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ABSTRACT

This training package includes a Facilitator Manual and a Participant Manual designed to provide information and instructional tools necessary to train Guam employers on awareness and skills related to the successful employment of individuals with disabilities. Module 1 dispels misconceptions and stereotypes related to disabilities. Attitudes and values which support and enhance inclusion and acceptance of persons with disabilities are presented, as well as appropriate language and terminology. Participants are provided with overviews of disabilities and practical suggestions for ways to work with persons who experience various disabling conditions. Module 2 provides information on local and federal laws and regulations related to employing persons with disabilities, particularly provisions of Title I of the Americans with Disabilities Act. Module 3 presents practical ideas and strategies to successfully employ persons with disabilities, including developing effective recruitment and hiring practices, identifying essential functions of jobs, identifying and developing accommodations, and developing effective post-employment practices. Each module includes a list of objectives and necessary materials and equipment. National and local resources on employment and the rights of individuals with disabilities are listed. (Contains 30 references.) (CR)

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EMPLOYMENT POWER

An Employer Awareness & Training Program

FACILITATOR MANUAL

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Guam University Affiliated Program
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Employment Power

Facilitator Manual

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EMPLOYMENT POWER

Introduction to the Program

I. Overview

The goal of this training program is to increase and support integrated employment opportunities for persons with disabilities on Guam. Through participation in three training modules, employers' awareness and skills related to the successful employment of individuals with disabilities are developed. The program can be scheduled for one full day or the three modules can be scheduled as separate training sessions. The training materials include a Facilitator Manual, and a Participant Manual which are designed to provide the trainer/facilitator with all the information and instructional tools necessary to successfully conduct the training.

II. Preparing to Conduct the Training

A. Getting Organized

Make arrangements for an appropriate, accessible training location. Be sure to plan ahead for any accommodations that will be needed by participants, and check the location ahead of time to ensure that the room is arranged in a manner which will support any needed accommodations (e.g. aisles with sufficient space for wheelchairs to maneuver etc.). It is recommended that the training room be set up in such a manner that participants have a surface to write on and can easily rearrange themselves into small groups. It is also recommended that you assign someone to be available during the training to assist you with handling logistics.

Prior to conducting the training, you should assemble the materials and equipment listed at the beginning of each module. Be sure there are a sufficient number of Participant Manuals. You should also familiarize yourself with the operation of the overhead projector, including how to change the bulb.

B. Getting to Know the Training Materials

You should thoroughly familiarize yourself with both the Facilitator Presentation Outline and the Participant Manual. If you are unsure of what a term means or how to correctly pronounce a word, consult with someone knowledgeable in the area of developmental disabilities prior to conducting the training.

C. Using the Training Materials

The Facilitator's Presentation Outline contains step-by-step instructions for you to follow as you conduct the training. Directions for the trainer appear throughout the outline in shaded areas in brackets [directions for the trainer].

Overhead transparencies are provided to support lecture material. These transparencies are numbered and the appearance of the symbol ❑ followed by a number indicates that you should project the overhead that corresponds to the number following the symbol. The overheads are intended to visually support the lecture and do not contain all the information contained within the presentation outline. Because of this the trainer should teach using the outline rather than teaching directly from the overheads.

The Participant Manual is designed to be an interactive teaching tool to enhance learning and retention of material presented during the workshop. It contains copies of all overheads with space for participants to add notes, references and ideas to take back to their workplace. Additionally, it contains handouts and exercises which will be conducted during the workshop, as well as resources and reference materials.

D. Presentation Style

Each trainer brings his or her own personality, teaching/learning preferences, and experiences to the training session. And, the same is true of your participants. This module was designed to present controlled content in a manner which incorporates different styles and preferences, and allows both the trainer and participants to draw on their own life experiences through discussions and group exercises.

During the lecture segments it is important that you supplement the presentation outline with real world examples that participants may relate to and that are culturally appropriate. When using examples to highlight lecture material be careful not to get so caught up in telling a "good story" that you lose the focus of the presentation. Bring the material to life by injecting your own style and have fun!

Employment Power

Module One
Disability Awareness

Module One

Disability Awareness

I. Overview of the Module

This module is designed to dispel commonly held misconceptions and stereotypes related to disabilities. Attitudes and values which support and enhance the inclusion and acceptance of persons with disabilities are presented, as well as appropriate language and terminology. Participants are also provided with overviews of disabilities and some practical suggestions for ways to work with persons who experience various disabling conditions.

II. Objectives of the Module

After completing this module, participants will be able to:

1. Identify at least 10 common misconceptions about disabilities;

2. Identify appropriate terminology used to describe persons with disabilities;

3. Describe what is meant by "person first" language and give examples of its use;

4. Describe how attitudes and values either enhance or restrict opportunities for persons with disabilities;

5. Identify local cultural values that influence persons with disabilities on Guam and the likely impact these values have on individuals;

6. Describe characteristics of the following disabilities:
   - Mental Retardation
   - Learning Disabilities
   - Epilepsy
   - Cerebral Palsy
   - Visual Impairments
   - Hearing Impairments
   - Communication Disorders
   - Mental Illness
   - Autism & Pervasive Developmental Disorder
   - Other Physical Disabilities & Health Impairments; and

7. Describe appropriate ways to interact with persons who experience disabilities.

III. Facilitator & Participant Materials and Equipment

A. Facilitator Materials & Equipment

1. Module One Participant Manual (for reference)
2. Module One Facilitator Presentation Outline
3. Overheads for Module One
4. Overhead Projector and Spare Bulb
5. Overhead Markers
6. Flip-Chart or White Board with Colored Markers
7. Pens, Pencils and Masking Tape

B. Participant Materials

1. Participant Manual (one copy for each participant)
2. Chart Paper & Markers (one pad of chart paper and set of markers for each group; participants will be assigned to work in groups of 4-6)

Module One

Disability Awareness

Facilitator Presentation Outline

[This is the actual presentation outline to be used by the facilitator. Directions for the facilitator appear shaded in brackets.]

❑ 1-1

I. Introduction to the Workshop

A. Introductions

[Welcome participants to the training, introduce yourself and disseminate copies of the Participant Manual.]

❑ 1-2

B. Orientation to the Workshop

•This workshop, *Employment Power*, is designed to provide employers and service providers with the knowledge and skills necessary to increase and support employment opportunities for persons with disabilities.

❑ 1-3

•We will be covering information through 3 Modules

1-Disability Awareness
2-Overview of Laws and Regulations
3-Strategies for Success

•Information will be presented through short lecture segments, discussions and group exercises. You will be using your Participant Manual throughout the workshop and it is designed to be used as reference and resource tool after you complete the workshop.

❑ 1-4

•Logistics

-Participant Manual

[Explain the use of the Participant Manual for reference and note taking.

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-Facility, Breaks, Lunch

[Discuss facility, agenda, breaks etc.]

II. Module I-Disability Awareness

Pre-Workshop Awareness Survey Exercise

[Have participants turn to page 1-16 in their manuals. Using the survey in their manuals, ask participants to answer each question to the best of their ability. Explain that this is a survey, not a test and that they will not be graded. Allow 10 minutes for participants to complete the survey.

Signal participants to stop completing the survey (it is OK if they did not finish). Explain that the answers will be discussed in the upcoming presentation and that you will be reviewing the survey later.]

❑ 1-5

A. What is a Disability? Terms and Definitions

- **Disability** is a general term that is used to describe a variety of physical and/or mental impairments. This term includes conditions such as mental retardation, learning disabilities, autism and cerebral palsy, just to name a few.

❑ 1-6

- Different programs, agencies, laws and regulations sometimes use different definitions in determining who is eligible for their services.

- A person may be eligible as a person with a disability under one program's definition and not be eligible under another program.

❑ 1-7

- **Under the Americans with Disabilities Act (ADA)** the following definition is used:

An individual with a disability is a person who:

A. has a physical or mental impairment that substantially limits one or more of the major life activities;

B. has a record of such an impairment; or

C. is regarded by others as having such an impairment.

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[Inform participants that you will be discussing this definition in detail later in the workshop when you cover the specific requirements of the ADA.

❑ 1-8

• **Handicap** is **not** another word for disability. A handicap is a barrier that is created by society which comes between the individual and environment of the activity in which the person wishes to participate.

Example: If I use a wheelchair to gain mobility to environments, and an office I wish to visit is on the 4th floor and the building does not have an elevator, then the stairs are a handicap for me.

• **A disability does not have to be a handicap.** The presence of a disability may mean that a person will do something a little differently or require some supports to engage in a particular activity; but the person may participate fully with equal results.

B. Persons with Disabilities: The Impact of Our Attitudes & Values

❑ 1-9

• **Attitudes**

-An attitude is a state of mind or feeling about something or someone.

-Our attitudes do not always "match" what is real.

-Attitudes often reflect our upbringing & our culture.

-Attitudes can be changed.

❑ 1-10

• **Values**

-A value is a principle, standard, or quality which is considered worthwhile, important or desirable.

-The values we hold for persons with disabilities determine what services and opportunities are created and how those services look.

-Values may vary from culture to culture and family to family, and within cultures, families and individuals.

❑ 1-11

•Why do we need to examine our attitudes and values towards persons with disabilities?

-Our attitudes often determine how we will act and create self-fulfilling prophecies. What we believe to be true often becomes true.

-Two people can look at the same situation and depending upon the attitude they bring to the situation they will respond in totally different ways. "Lemons versus lemonade."

-Our attitudes and values towards persons with disabilities cause us to either deny or create opportunities for their participation in their community and culture.

Exercise: Local Attitudes/Values; and their Effects

[Using a flip chart or white board, set up two columns labeled "Attitudes & Values" and "Effects". Ask participants to brainstorm local attitudes, beliefs, and values towards persons with disabilities. Record participants' responses. For each "Attitude/Values" ask participants what "Effect" this would have on a person with a disability (would it create opportunities, limit them, etc.) Record the "Effects". Ask participants to discuss if any of these local attitudes need to be changed if persons with disabilities are to participate more fully in Guam's workforce. Note that participants may wish to record their responses on page 1-17 in their manuals]

❑ 1-12

•The Power of Words

•You may not think that discussing the use of words is very important to the topic of employing persons with disabilities, but think about how we use words to communicate our attitudes, beliefs and feelings. Our language is a reflection of how we view the world and each other. It reflects what we think and feel about persons with disabilities.

❑ 1-13

•**Stereotypes** are oversimplifications and prejudiced opinions about a group of people and they can have a negative effect on how persons with disabilities are perceived in the workplace. Many stereotypes still exist in our community about persons with disabilities. It is now time for all of us to hear, learn and use appropriate language when we communicate with and about persons with disabilities.

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[Discuss how words like poor cripple, mongoloids, and god's eternal children reflect attitudes and beliefs.]

❑ 1-14

•Guidelines for Using Appropriate Language

• Use words that show respect and worth.

•Use the word **disability** instead of **handicap.** Remember they mean different things. It is OK to use the term handicap to refer to accessibility accommodations such as "handicap parking", but why not use the term "accessible parking" instead!

•Use **Person First Language.** This shows your respect for the person by first referring to them as an individual, and then only when necessary referring to the disability.

Example:

When you say "a person with a learning disability", the focus is first on the "person"; the learning disability is secondary information.

Versus, "a learning disabled person" where the learning disability is presented first and becomes the focus of the communication.

•Do not refer to the disability unless it is relevant to do so. Not every situation or every person demands that the disability be communicated.

❑ 1-15

•Do not refer to people with disabilities as "the disabled", "the retarded" etc. Descriptive terms should be used as adjectives not nouns.

•Avoid words that have a negative or sensational connotation. Avoid words such as: afflicted, crippled, victim, suffers from, unfortunate, or diseased.

•Do not use the word "patient" unless the individual is receiving treatment in a medical facility. **A disability is not a disease!**

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•The word "normal" should be avoided when describing a person without a disability. It implies that a person with a disability is "abnormal".

•Also, avoid using the word "special" to describe a person with a disability. When used to describe persons with disabilities the word "special" often has the impact of further separating and excluding individuals from the mainstream of life.

Exercise: Choosing Appropriate Words

[Have participants work in groups of 4-6. They will need to refer to the worksheet titled, Choosing Appropriate Words, on page 1-18 in their Participant Manual. Instruct participants to complete this worksheet as a group and record their responses in their manuals. Allow approximately 15 minutes for the activity.]

[After the time is up review each item asking each group to share their responses. Compare responses and correct as needed.]

B. Overview of Disabilities

Exercise Overview of Disabilities

[Ask participants to name a few disabilities that they have some familiarity with and write them on the white board or flip chart. For each disability, ask participants what they know, have observed, or experienced about the disability. Record answers under the name of each disabling condition. Do not correct misconceptions now. During your presentation on each disability use these lists as starting points, add notes and correct misconceptions.]

[Refer participants to the Disability Overview handouts beginning on page 1-19 of their manuals during this portion of the presentation. Use Overheads 1-17 - 1-44 and the information recorded from the exercise as you present the information outlined below.]

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❑ 1-17

•Mental Retardation

•People with mental retardation have difficulty in learning and social adaptation. They may experience difficulties in communication, social, academic, vocational, and independent living skills.

•People with mental retardation usually score 70 or below on IQ tests.

•Approximately 1-3% of the general population is estimated to have mental retardation.

❑ 1-18

•People with mental retardation generally take longer to learn and require more practice. They may also have difficulty remembering what they have learned.

•People with mental retardation **can** and **do** learn and develop! They do not stay "eternal children". Some persons with mental retardation drive cars, vote, and marry among other life activities.

❑ 1-19

•Mental retardation is not the same as mental illness. It is <u>not</u> a disease and not communicable.

•People with mental retardation vary in their abilities just as people without mental retardation do. Mental retardation can be very mild and have only minimal impact upon a persons functional abilities or it can be very severe, or anywhere in between.

❑ 1-20

•Learning Disabilities

•The term learning disabilities is used to refer to people who have difficulty in one or more of the basic psychological processes.

•It is not the same as mental retardation.

•People with learning disabilities are generally of average intelligence or higher.

•There are many different estimates for the prevalence of learning disabilities. Commonly used estimates fall into the range of 4-10%. It is the most common disability of children receiving special education services in schools.

❑ 1-21

•Persons with learning disabilities may experience problems in listening, thinking, speaking, reading, writing, spelling, or math calculations.

❑ 1-22

•The term learning disabilities is all embracing. People with learning disabilities are an extremely diverse group who share the challenge of not learning in the same ways or as efficiently as persons who do not have learning disabilities.

•Learning disabilities may be mild, moderate or severe.

•People with learning disabilities may learn ways to compensate for their disability. When special approaches and accommodations are made they can achieve and fully participate in all life activities.

❑ 1-23

•Epilepsy/Seizure Disorders

•Epilepsy or seizure disorder is a physical condition caused by changes in the electrical energy in the brain.

•The changes in the activity of the brain causes physical changes that may include: changes in consciousness and motor movements.

•Epilepsy is not a disease and it is not communicable.

❑ 1-24

•Most people with epilepsy are able to control their seizures through medication.

•Most people with epilepsy are not brain damaged or mentally retarded. Between seizures their brains function normally.

•There are different kinds of seizures and depending upon the type of seizure, the person will exhibit different behaviors and physical changes.

❑ 1-25

Characteristics of Different Types of Seizures

-Short periods of loss of consciousness or blackouts

-Short periods of confused memory

-A blank stare, the appearance of daydreaming, or unexplained unresponsiveness

-Involuntary movement of arms or legs

❑ 1-26

-Period of inappropriate, repetitive, or purposeless activity/movement

-General and dramatic convulsion of the entire body:
-muscles stiffen
-consciousness is lost
-bowel and bladder control may be lost

❑ 1-27

•Cerebral Palsy

•Cerebral Palsy is a motor impairment caused by damage to the brain.

•Persons with cerebral palsy have an inability to fully control their motor responses. They may have difficulties with movement, speech, posture, and coordination.

•People with cerebral palsy may appear to be more disabled than they actually are, so appearance is not a good indicator of their abilities.

•Do not assume because someone has cerebral palsy that they also have mental retardation.

❑ 1-28

•Depending upon the part of the brain that is damaged and how much of the central nervous system is affected a wide range of characteristics may be experienced. These include:

-seizures
-spasms
-problems with muscle tone
-involuntary movements
-problems with gait and mobility
-abnormal sensations and perception
-impairment of sight, hearing and or speech
-mental retardation

•Cerebral palsy is not a disease and is not communicable

•Advanced technology and the use of assistive devices can support people with cerebral palsy in participating more fully in major life activities.

❑ 1-29

•Visual Impairments

•Visual impairments occur when there is a functional loss of vision. The following terms are often used to describe visual impairments:

-**Low vision** or **partially sighted** are terms used to describe mild to moderate visual impairments. People who have low vision may use vision to learn in conjunction with their other senses, but may require adaptations and supports such as special lighting, large print, or Braille.

-**Legally blind** is a term used to describe severe visual impairments and indicates that a person has less than 20/200 vision in his or her better eye or a very restricted field of vision. Totally blind persons can learn using Braille, their other senses and through non-visual media.

❑ 1-30

•Many persons with visual impairments do not consider themselves to be disabled. Many individuals who are visually impaired and blind are very mobile and independent.

•Technology and assistive devices can enable and support persons with visual impairments to participate fully in major life activities.

•Persons with visual impairments learn to move around independently through mobility and orientation training. They may use a cane that makes a sound and provides for the use of touch to know when stairs or doors are reached. Some people with severe visual impairments use guide dogs to assist with mobility. And, in some instances they may need the assistance of another person.

•Individuals who are blind may use Braille, but the majority do not.

❑ 1-31

•Hearing Impairments

•Hearing Impairments occur when there is a functional loss of hearing and can range in severity from mild to profound. Although there are different ways to classify hearing impairments we will use the terms deaf and hard of hearing.

-**Hard of Hearing** is used to describe persons who can hear some sounds and who can benefit from the use of a hearing aid. Persons who are hard of hearing generally can use sounds and spoken language to learn and communicate.

❑ 1-32

-**Deaf** is used to describe persons who experience hearing impairments that are so severe or of such a nature, with or without a hearing aid, that it prevents the use of sounds and/or speech to learn and communicate.

❑ 1-33

•Hearing Impairments can be present at birth or develop anytime throughout the life span. In general, the earlier in life the loss occurs the more disabling it is likely to be.

•There are many causes of hearing impairments, including: heredity, accidents, illness, prolonged exposure to loud sounds, and drugs.

•Many people with hearing impairments do not consider themselves to be disabled.

•Persons with hearing impairments are a very diverse group.

•Persons with hearing impairments use a variety of different modes of communication. Some people can effectively use oral language, some use a combination of oral language and speechreading; others reply almost exclusively on manual systems of communication known as sign language.

❑ 1-34

•Hearing aids can benefit some persons with hearing impairments, but not all. Hearing aids amplify sound, they do not correct distortions in sound.

•Technology, assistive devices and supports can enable and support persons with hearing impairments to participate fully in major life activities.

-**Text Telephones (TTs), Teletypewriters (TTYs) and Telecommunication Devices for the Deaf (TDDs)** are mechanical/electronic devices which enable people to type phone messages over the telephone network.

-**Telecommunications Relay Service (TRS)** is a service provided by Guam Telephone Authority (GTA) in compliance with requirements of the Americans with Disabilities Act (ADA). It is available 24 hours a day, seven days a week. Specially trained operators relay typed communications from TYY users to other parties, as well as relaying spoken communications via text to TYY users.

-**Signaling Devices** add a flashing and/or vibrating signal to existing auditory signals such as doorbells, telephone ringers, alarm clocks, and smoke detectors.

❑ 1-35

•**Communication Disorders**

•Communication disorders include speech and language impairments.

-**Speech impairments** refer to difficulties in producing intelligible speech and problems with voice quality. Persons with speech impairments experience difficulty in communication because listeners may not always understand what they are trying to say.

-**Language impairments** refer to difficulties in the ability to use and/or understand spoken and/or written language. Persons with language impairments may use improper words, have difficulty expressing their ideas, use a restricted vocabulary, and/or have problems following directions.

❑ 1-36

•Communication disorders can range from very mild to severe.

•Causes of communication disorders include hearing impairments, brain injury, mental retardation, physical impairments, and neurological disorders. And, in many cases the cause is unknown.

•Even though some persons with communication disorders also experience mental retardation or other disabilities, it is important to realize that many persons with communication disorders do not experience any intellectual, physical or emotional impairments.

•Persons with communication disorders can experience difficulty in social relationships. People sometimes treat individuals with communication challenges as if they were drunk. In public places they are sometimes avoided and ignored, and on the phone they are sometimes people hang up on them.

•Technology and assistive devices have greatly expanded the communication options for persons with communication disorders.

❑ 1-37

•Mental Illness

•Mental Illness is a term that is used to describe a wide range of disorders which involve a degree of impairment that interferes with participation in life activities.

•Schizophrenia, affective disorders (including depression and manic-depressive illness/bipolar disorders), anxiety disorders (including phobias, anxiety states, post-traumatic stress disorder and obsessive-compulsive behaviors), and substance abuse are all kinds of potentially disabling mental illness.

❑ 1-38

•Anyone can develop emotional problems. Mental illness affects persons of all ages, races and economic status.

•Generally, persons with mental illness are not mentally retarded. Mental illness can affect persons of low, average or high levels of intelligence.

•There are many causes of mental illness including chemical imbalances in the brain and hormonal system, heredity, trauma, exposure to high levels of stress, and childhood events. In many cases the cause remains unknown.

•Just because someone experiences mental illness does not mean she or he is necessarily dangerous or destructive.

❑ 1-39

•Most emotional and mental disorders can be effectively treated or controlled through psychotherapy, medication and combinations of treatments.

-Medications relieve acute symptoms of schizophrenia in 80 percent of cases.

-Approximately 70% of persons who are treated for depressive disorders respond to psychotherapy, medication or some combination of treatments.

•Many persons who experience mental illness are able to work, raise families and participate in community life with appropriate treatments and supports.

❑ 1-40

•Autism and Pervasive Developmental Disorder

•Autism and Pervasive Developmental Disorder (PDD) are terms used to refer to two disabilities which share many of the same characteristics.

•Persons with autism and PDD usually exhibit characteristics of these disabilities by age 3.

❑ 1-41

•Characteristics of autism and PDD include:

-Problems with communication. Speech may be absent or limited to a few words. Some persons with autism and PDD have echolalic speech, meaning they echo or repeat words that they hear.

-Problems relating to other people, objects and life events.

-Difficulty dealing with changes in routine and surroundings.

❑ 1-42

-Unusual patterns of behavior such as engaging in non-functional repetitive movements and unusual mannerisms and manipulation of objects.

-Some persons may also engage in self-injurious behaviors.

•The causes of autism and PDD are unknown. Theories include neurological damage and biochemical imbalances in the brain. It is not caused by psychological factors.

•Persons with autism and PDD vary greatly in their levels of intelligence, behaviors and abilities. Some individuals with autism and PDD have exceptional abilities in math, memory, music, art and other areas.

[Ask participants how many of them have seen the movie "Rainman" and remember how Dustin Hoffman could memorize the cards while gambling in Las Vegas]

❑ 1-43

•Other Disabilities

•There is a tremendous range and variety of physical and health impairments that can result in challenges in motor functioning, communication, learning and/or social interactions. These include cerebral palsy, epilepsy, muscular dystrophy, spina bifida and numerous others.

•Accidents, disease, and congenital malformations can all result in conditions which are disabling.

❑ 1-44

•Physical disabilities range from mild and transitory, to severe and progressive.

•Many persons with physical and health impairments do not consider themselves to be disabled. Be aware of perpetuating stereotypes such as "poor cripple" or "confined to a wheelchair."

•Technology can often minimize the disabling effects of some physical disabilities:

-**prosthetic device** (artificial replacement for missing body part),
-**orthosis** (a device that enhances the partial function of a part of the body such as a brace), and
-other **adaptive devices** (special eating utensils, head pointers etc.)

C. Appropriate Ways to Interact with Persons with Disabilities

[This information is presented through participants engaging in a Jigsaw Cooperative Learning Activity. Your role is to provide clear directions, facilitate the process and function as a technical advisor to the groups.]

[**Directions for the Activity:**
Have participants break into small groups of 6 persons. This group is their "Home Group." Have the individuals in each "Home Group" count off 1, 2, 3, 4, 5, 6 with each person taking a number. Each individual's number is the number of their "Expert Group". Assign the following topic/s to each "Expert Group":

Expert Group 1	General Considerations
Expert Group 2	Physical & Health Impairments
Expert Group 3	Visual Impairments
Expert Group 4	Hearing Impairments
Expert Group 5	Communication Impairments
Expert Group 6	Cognitive Impairments]

[**Explaining the Activity to the Group:** Provide the group with the following directions]

•When I give the signal you will leave your Home Group and get into your Expert Groups. In your Expert Groups you will be reviewing the sections of the handout in your participant manual beginning on page 1-29 titled Guidelines for Interacting with Persons with Disabilities. In your Expert Group you only need to refer to the information related to the topic assigned to your Expert Group.

•Your task is to become an "Expert" on that disability so that when you return to your home group you can teach the other members of your Home Group about ways to appropriately interact with persons experiencing the disability.

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• While in your Expert Group discuss the content of the handout, decide if there is anything else you would like to add, any questions you have etc. Develop some examples to support the information. Ask for assistance from me if you need help or have questions. You will have approximately 30 minutes in your Expert Group.

•When I give you the signal you will leave your Expert Group and return to your Home Group. Beginning with number 1, each of you will present the information from the Expert Group to your Home Group. You will have approximately 30 minutes in your Home Group.

[The following information is the content provided to participants in their Participant's Manual beginning on page 1-29 and titled Guidelines for Interacting with Persons with Disabilities.]

•General Considerations

-Persons with disabilities are people first. Do not just focus on how they are different from you. Realize that we all have many things in common, including the right to be treated with dignity, respect and consideration.

-Always treat persons with disabilities in an age appropriate manner. This means treating adults like adults and showing the same kinds of courtesies and respect you would to an adult who is not disabled. For instance, if you are in a situation where you would not normally address a nondisabled adult by his/her first name you should also not address a person with a disability by his/her first name.

-Never patronize persons with disabilities. Don't pat people on the head or arm, or address them condescendingly.

-If you are uncomfortable around someone with a disability because you are unsure of how to act or communicate, relax. Remember persons with disabilities are people first. Try putting yourself in the other person's shoes; how would you like to be treated?

-If you are unsure of whether to assist someone or not, or how to assist them, ask. If the person wants your assistance, ask how you can best support them and then follow their directions. If they do not want help, respect their decision.

-Some persons with disabilities have personal assistants who accompany them in certain situations. In these cases, always address the person with the disability directly. Don't speak through the assistant.

•Physical & Health Impairments

-It is important to remember that you cannot tell what a person can or cannot do based on his or her outward appearance. Persons with disabilities are the best judge of their capabilities.

-Persons with physical disabilities and health impairments often access life activities through mobility and communication aids. These should be respected as part of the individual's personal space. Do not touch or move these aids without permission.

-If you are unsure of whether a person with physical disabilities needs assistance, ask. Do not just rush in and provide assistance without permission. Do use common sense and assist in creating accessibility if it is obvious that it is needed.

-When interacting for more than a few minutes with someone who is using a wheelchair, it is best if you can seat yourself so that you can both be at the same level.

-If you encounter a person who is having a seizure follow these guidelines:

•Do not try to "stop" the seizure. If the person is convulsing do not try to hold him/her down.

•Clear the immediate area so that the person will not be harmed. Clear the area of bystanders.

•If possible, place something soft under the person's head.

•Do not try to put something in the person's mouth. The tongue will not be swallowed.

•Let the seizure run its course. After it has stopped check to make sure the person is breathing sufficiently. If breathing is inadequate, apply standard first aid procedures.

•When the person resumes consciousness either allow the person to rest or seek medical attention depending upon the circumstances. Persons who have never had a seizure before, who have sustained injuries or who ask for medical attention should be evaluated by a physician.

•Visual Impairments

-When interacting with persons with visual impairments it is important to remember that you need to provide verbal information that may be obvious to persons who can see.

-Introduce yourself when you approach a person who is blind. If you are interacting with someone who is blind and a new person joins you, be sure to introduce him or her.

-Be very descriptive and precise in giving directions. For example it would be meaningless to tell a blind person that the elevator is "over there". Instead you might say, "the elevator is straight ahead after four office doors." It may be helpful to use clock cues such as the door is at 3:00.

-In work situations and other situations where it may be relevant, inform persons who are visually impaired of information that is posted on bulletin boards.

- It is OK to ask someone if he or she would like assistance and how they would like the assistance provided. In general to assist a person who is blind you should allow him or her to take your arm rather than you taking theirs and let them control their own movements. When assisting be sure to describe the area as you move.

-If a person has a guide dog, do not pet or distract the animal without the owner's permission. Keep in mind that the animal is not just acting as a pet or companion; the dog is actually "working."

•Hearing Impairments

-When interacting with a person with a hearing impairment it is important to find out how the person prefers to communicate.

-When communicating through an interpreter, be sure to address the person with the hearing impairment directly; do not talk "to" the interpreter. You should do this even though the person will not be making eye contact with you; s/he will be looking at the interpreter.

-Remember that when communicating through an interpreter, the interpreter may be a few words behind you. This is especially true if you are using technical terms that need to be fingerspelled. You should still use the technical terms, but occasionally pause so the interpreter can completely translate what you are saying.

-When talking to persons with hearing impairments, it is important that you position yourself so that your face can be clearly seen by the person you are addressing. Speak in a normal tone and volume. Do not exaggerate words. Do not shout. Do not talk with your back to the person or while walking away.

-If the person is speechreading it is best if you face into the light and keep your hands and other objects away from your mouth.

-Before you begin a communication with a person with a hearing impairment, gain their attention by a wave, a light touch on the shoulder or other appropriate tactile signal.

-Remember the goal is good communication. If you are unsure if the person understood you, it is alright to clarify. If you do not understand something that was said, ask the person to repeat it or write it down.

•Communication Impairments (Speech & Language Impairments)

-Communicate to persons with speech impairments just as you would with anyone else. Use age appropriate language. Use your regular tone of voice.

-Be patient and attentive. Do not interrupt; give the person time to complete his/her communication. Do not finish the person's sentences for him/her even if you have a good idea of what they are trying to say.

-If you are in a situation where there are quite a few distractions you may need to move to a quieter location. You should make this decision **with** the person, **not for** him/her.

-If the person has a language impairment and you are having difficulty communicating try using concrete rather than abstract words. Keep sentences short and precise without being condescending.

-Remember the goal is good communication. If you are unsure if the person understood you, it is alright to clarify. If you do not understand something that was said, ask the person to repeat it, tell you in a different way, or write it down.

•Cognitive/Learning Disabilities

-Remember that persons with cognitive and learning disabilities are a very diverse group with a wide range of intellectual functioning and abilities. Expect "normal" behavior. Do not pay attention to behavior that is age inappropriate.

-Treat persons with cognitive & learning disabilities in an age appropriate manner. This means that when interacting with adults you should treat them as adults not children regardless of the level of their cognitive functioning.

-When communicating with a person who has a cognitive disability, pay attention to how they respond so that you can adjust your communication if necessary. You may need to use shorter sentences, more concrete words, or supplement communication with gestures.

-Use language that is clear and precise without being so simplistic that it is insulting or age inappropriate to the individual.

-Be aware that some persons with cognitive and learning disabilities may need to have directions repeated. They may need assistance to remember things. And, they may benefit from seeing something done before they are expected to do it.

-Some persons with certain types of learning impairments may become "overloaded" if too much information is presented at a time, if there are too many words on a page, or is there is too much background stimulation (noise and activities). They may be easily distracted when communicating and appear rude when actually they are just distracted. In these situations, you might try providing information in discrete units, adapting written instructions to simpler and fewer words on a page, and/or reducing the distractions in the environment.

D. Revisiting the Pre-Workshop Awareness Survey

Exercise

[Have participants get into small groups of 4-6. They will need their manuals so that they can refer to the Pre-Workshop Survey they completed at the beginning of this module. The survey is located on page 1-16 in their manuals. Instruct them to review each item on the survey as a group. They should be instructed to reach consensus on what is the correct answer to each item and discuss any changes in their beliefs, attitudes and knowledge after completing this module. Allow approximately 20 minutes for the activity. After the time is up project the Pre-Workshop Survey Answer Key on the overhead briefly review it and answer any questions. The answer key for the survey appears below for your reference.]

Attitudes & Awareness Survey: ***Facilitator Answer Key***

1. When speaking to a person in a wheelchair it is OK to lean over and rest your hand on the chair to establish a more personal interaction. **False**

2. A person with a disability may look like she needs assistance but may not want or need your help. **True**

3. If someone is using a sign language interpreter, you should be sure to address your questions and directly to the interpreter so that you can be sure they are appropriately communicated to the person who is deaf. **False**

4. When having a conversation with someone who is blind you should be careful not to look directly at their eyes as you would if you were conversing with someone who is not blind. **False**

5. When meeting a person who is blind you should introduce yourself even if the person has met you before. **True**

6. In a meeting situation most people who are blind would be grateful if you took hold of their arm and assisted in finding them a seat. **False**

7. Most people feel uncomfortable around someone with a disability at first but learn to tolerate the discomfort even though this feeling never really goes away. **False**

8. If you are in a situation with a person with a disability and you think they may need assistance but you are unsure, it is OK to ask the person if he would like assistance. **True**

9. If a person has difficulty communicating it is OK to finish her sentences as long as you have a good idea of what she is trying to say. **False**

10. An adult with mental retardation should be treated like a child if that is the intellectual level at which she is functioning. **False**

E. Participant Sharing

Exercise

[Have participants get with a partner and share what they learned from this module and how they will use the information in their work setting.]

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Employment Power

Module Two
Overview of Laws and Regulations

Module Two

An Overview of Employment Related Laws & Regulations

I. Overview of the Module

This module is designed to provide participants with an overview of local and federal laws and regulations related to employing persons with disabilities. Rights and discrimination will be discussed and participants will be introduced to key provisions of employment related legislation and regulations with particular focus on the provisions of Title I of the Americans with Disabilities Act (ADA).

II. Objectives of the Module

After completing this module, participants will be able to:

1. Identify ways in which persons with disabilities experience discrimination in employment;

2. Identify and describe key federal legislation and regulations which were designed to eliminate discrimination in employment for persons with disabilities;

3. Describe the requirements of Title I of the Americans with Disabilities Act (ADA);

4. Describe the Equal Employment Opportunity Commission's (EEOC) role in the implementation of Title I of the ADA; and

5. Describe local legislation and regulations that support increased employment opportunities for persons with disabilities.

III. Facilitator and Participant Materials and Equipment

A. Facilitator Materials & Equipment

1. Participant Manual (for reference)
2. Module Two Facilitator Presentation Outline
3. Overheads for Module Two
4. Overhead Projector and Spare Bulb
5. Flip Chart or White Board with Colored Markers
6. Pens, Pencils and Masking Tape

B. Participant Materials & Equipment

1. Participant Manual (one copy for each participant)
2. Chart Paper & Markers (one pad of paper and set of markers for each group of 4-6 participants).

Module Two

An Overview
of
Employment Related Laws and Regulations

Facilitator Presentation Outline

[This is the actual presentation outline to be used by the facilitator. Directions for the facilitator appear shaded in brackets.]

❑ 2-1

I. Introduction to Module Two

❑ 2-2

•This module is designed to provide you with an overview of important laws and regulations affecting the employment of persons with disabilities.

❑ 2-3

•Topics we will be discussing include:

-discrimination and persons with disabilities;
-federal laws related to employing persons with disabilities (with specific emphasis on);
-the provisions of Title I of the Americans with Disabilities Act (ADA); and
-key local laws related to employing persons with disabilities.

❑ 2-4

II. Discrimination

A. Equality of all Citizens

•In the United States (including Guam as a U.S. Territory) the rights of its citizens are articulated in the U.S. Constitution. The framers of the Constitution upheld the value that **all** persons are created equal and therefore **all** persons are entitled to enjoy the same set of rights and equal protection of those rights under the law.

❑ 2-5

•However, persons with disabilities have not had access to the same opportunities as persons without disabilities due to discrimination. As a result of discrimination persons with disabilities have experienced unequal treatment in virtually all areas of life.

❑ 2-6

B. Discrimination & Persons with Disabilities

- Discrimination against persons with disabilities is the result of two things: **attitudes and barriers**.

❑ 2-7

1. **Attitudes** (preconceived ideas) which overemphasize the disability to the exclusion of individual's other characteristics or qualities create discrimination.

❑ 2-8

2. **Barriers** also create discrimination.

-Barriers include physical aspects such as stairs for a person in a wheelchair, and

-Social aspects of situations such as a university program which does not offer an alternative reading program (i.e. Braille or a reader) for a person who is blind.

[**Group Exercise**. Ask participants to brainstorm examples of how persons with disabilities might be discriminated against in employment situations. Record participants' responses on the white board or flip chart. Take about 5 minutes to do this. Next, for each example indicate whether the discrimination is the result of an attitude or a barrier. Participants may wish to record their responses on page 2-22 of their manuals.]

[**Sample examples**:
1. An employer who will not interview a blind candidate for a receptionist position assuming he would not be able to perform the job because of his visual impairment. **Attitude**

2. A person with a hearing impairment cannot participate in a teleconference at his office because the office does not have a TTY. **Barrier**

3. An individual with cancer is turned down from a job because she will need to take off two days a week, twice a month to receive medical treatments. **Attitude**.]

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❑ 2-9

3. Discrimination has also been experienced by other groups, including racial minorities and women. Through the efforts of the civil rights movement and group lobbying efforts many discriminatory polices and practices have been prohibited through Congressional legislation.

❑ 2-10

4. The same is true of discrimination against persons with disabilities. Building on the major civil rights laws of the 1950s and 60s, several key laws have been passed by the U.S. Congress which address discrimination against persons with disabilities.

❑ 2-11

III. Key Federal Laws Containing Provisions Relating to Employment of Persons with Disabilities

• Although these laws contain many nonemployment related provisions we will only highlight those related to employment.

❑ 2-12

A. Civil Rights Act of 1964

•Although not specifically a disability rights law, this Act laid the foundation for subsequent legislation and created the Equal Employment Opportunity Commission (EEOC). The EEOC is the agency tasked with implementing the Americans with Disabilities Act (ADA).

❑ 2-13

B. Rehabilitation Act of 1973

•Public acknowledgment that the exclusion and segregation of persons with disabilities was in fact a form of discrimination.

-Previous attitude that unemployment was direct outcome of a person's disability.

❑ 2-14

-Marked Congressional recognition that lack of employment and social inferiority can result from attitudes and barriers (both physical and social barriers).

❑ 2-15

•Section 501-Employment of Handicapped Individuals by the U.S. Government

-Created an interagency committee on handicapped employees in federal, state and local governments.

❑ 2-16

•Section 503-Employment under Federal Contracts

-Required recipients of federal grants greater than $2,500 develop and implement affirmative action programs to hire and promote "qualified handicapped individuals".

❑ 2-17

•Section 504-Nondiscrimination under Federal Grants

-Prohibits agencies or programs receiving federal funds from discriminating against persons with disabilities.

-Addressed discrimination in the areas of employment, accessibility, education, and health, welfare and social services.

❑ 2-18

C. Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978

•Amended earlier legislation and provided for comprehensive services which included employment for persons with severe disabilities (among other things).

❑ 2-19

D. The Developmental Disabilities Act of 1984

•Established concept of **supported employment** and included work as a key area for the development of goals in individual habilitation plans.

-In **supported employment** individuals with disabilities who have traditionally been excluded from competitive employment are able to participate in integrated employment settings through the provision of **ongoing support**.

❑ 2-20

E. Americans with Disabilities Act (ADA) of 1990

•Landmark civil rights legislation. The ADA parallels the Civil Rights Act of 1964 protecting persons with disabilities from discrimination in much the same way as other minorities and women are protected.

❑ 2-21

•Prohibits discrimination in employment, public accommodations, public services, transportation and telecommunications.

❑ 2-22

IV. Overview of Title I of the Americans with Disabilities Act of 1990

A. Introduction

•Title I of the ADA requires two things of employers: (1) nondiscrimination in **all** employment practices; and (2) specific actions, called reasonable accommodation, to ensure equal employment opportunity exists for persons with disabilities.

❑ 2-23

•The first requirement is similar to provisions of other civil rights laws. It prohibits discrimination because of a disability. This is a traditional approach to anti-discrimination or equality. That is, **people in like circumstances (or persons who are similarly situated) are to be treated alike.**

-In this approach to nondiscrimination the idea is that differences should be irrelevant.

❑ 2-24

-However, this notion tends to exclude qualified persons with disabilities because their differences are often not irrelevant. A law simply embracing this concept of equality would exclude many qualified persons with disabilities who because of their differences are not similarly situated.

Example:
If I use a wheelchair and wish to apply for a job for which I am very well qualified, and the building which houses the business is not accessible, I am not similarly situated as a person who does not use a wheelchair. I am discriminated against due to a physical barrier.

❑ 2-25

• The second requirement of the ADA specifically addresses the problem of what is true equality. It does this through the requirement of **reasonable accommodation.**

-This concept recognizes that accessibility and adaptations may be necessary for an individual to experience equal opportunity.

[The following information may be presented either through lecture or through participants engaging in a "Jigsaw" Cooperative Learning Activity. If you choose to lecture simply proceed to "B. Who Must Comply" in the presentation outline.

If you choose to use the "Jigsaw" activity, follow the direction below. In this exercise, your role is to provide clear directions, facilitate the process and function as a technical advisor to the groups.]

[**Directions for the Activity:**
Have participants break into small groups of 4 persons. This group is their "Home Group" Have the individuals in each "Home Group" count off 1, 2, 3, 4 with each person taking a number. Each individual's number is the number of their "Expert Group". Assign the following topic/s to each "Expert Group":

Expert Group 1	Who Must Comply? & What Employment Practices are Covered?
Expert Group 2	Who is Protected?
Expert Group 3	What About Essential Functions and Reasonable Accommodation?
Expert Group 4	Must the Employer Make Modifications Regardless of the Expense or Effect on the Business? , Does the ADA Allow Exams and Inquiries?, and Confidentiality.]

[**Explaining the Activity to the Group:** Provide the group with the following directions.

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[•"When I give the signal you will leave your Home Group and get into your Expert Groups. In your Expert Groups you will be reviewing the sections of the handout in your participant manual beginning on page 2-23 titled Overview of Title I of the Americans with Disabilities Act. In your Expert Group you only need to refer to the information related to the topics assigned to your Expert Group."

•"Your task is to become an "Expert" on the information on these handouts so that when you return to your home group you can teach the other members of your Home Group the information."

•" While in your Expert Group discuss the content of the handout, decide if there is anything else you would like to add, any questions you have etc. Develop some examples to support the information. Ask for assistance from me if you need help or have questions. You will have approximately 20 minutes in your Expert Group."

•"When I give you the signal you will leave your Expert Group and return to your Home Group. Beginning with number 1 each of you will present the information from the Expert Group to your Home Group. You will have approximately 45 minutes in your Home Group."]

[The following information is the content provided to participants in their participant's manual beginning on page 2-23 and titled Americans with Disabilities Act Title I Fact Sheet.]

❑ 2-26

B. Who Must Comply with Title I of the ADA?

•All private employers private or not for profit, state and local governments, employment agencies, labor unions, and joint labor management committees.

•Others who act for an employer such as managers, foremen, supervisors, and agencies used to conduct background checks on employment candidates. It is the employer who is ultimately responsible for the actions of these individuals in complying with the law.

•Religious organizations are also covered. They may however give employment preference to individuals of their own organization.

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❑ 2-27

C. What Employment Practices are Covered?

- Virtually all employment practices are covered.

❑ 2-28

- Included are practices and terms, conditions and privileges of employment such as:
  - -application
  - -testing
  - -interviewing
  - -hiring
  - -assignments
  - -evaluation
  - -disciplinary action
  - -training
  - -promotion
  - -medical examinations
  - -layoff/recall
  - -termination
  - -compensation
  - -benefits
  - -leave

❑ 2-29

- Action that would be considered discrimination are:

-limiting, segregating or classifying an individual in a way that adversely affects his or her employment opportunities or status on the basis of disability.

Example: segregating employees with disabilities into separate work areas.

❑ 2-30

-participating in contractual relationships which subject an individual with a disability to discrimination on the basis of disability.

❑ 2-31

-denying employment to a qualified person who associates with or has a relationship with a person with a disability.

Example: denying employment to a man with a child with a medical disability because you think he will miss too much work.

-refusing to make reasonable accommodations unless it would constitute an undue hardship.

[Inform participants that reasonable accommodation and undue hardship will be discussed in more detail later in this module.]

❑ 2-32

-retaliating against an employee with a disability for filing a complaint or participating in an investigation for abuses under Title I provisions.

-using qualification criteria which screen out qualified persons with disabilities on the basis of their disability unless they are job-related.

-failing to administer tests in a manner that measure actual job-related abilities and failing to make needed accommodations in testing procedures.

❑ 2-33

-using medical examinations and inquiries to determine whether or not an individual has a disability or to obtain information about the nature or severity of a disability.

❑ 2-34

D. Who is Protected by Title I of the ADA?

•**"Qualified Individuals with Disabilities"** A person with a disability who meets the skill, experience, education and other job-related qualifications of a job (held or desired), and who with or without reasonable accommodation can perform the essential functions of the job.

❑ 2-35

•An individual with a disability is a person who:

A. has a physical or mental impairment that substantially limits one or more of the major life activities;

B. has a record of such an impairment; or

C. is regarded by others as having such an impairment.

❑ 2-36

•Definitions:

-Physical or mental impairment includes:

•physiological disorders and conditions, cosmetic disfigurement, or anatomical loss

•mental or psychological disorders and conditions such as mental retardation, mental illness and learning disabilities

❑ 2-37

•Includes: alcoholism and drug abuse (only persons not currently using illegal drugs), cerebral palsy, muscular dystrophy, multiple sclerosis, HIV and AIDs, cancer, heart disease, diabetes and other conditions

❑ 2-38

•Does not include:

-minor or trivial complaints
-simple physical characteristics
-environmental or cultural disadvantages
-current illegal use of drugs
-transvestism
-homosexuality
-sexual behavior disorders
-compulsive gambling
-kleptomania
-pyromania

❑ 2-39

-Major Life Activities include:

•seeing
•hearing
•speaking
•breathing
•walking
•learning
•working
•caring for oneself

❑ 2-40

-Substantially limits means:

•unable to perform a major life activity that an "average" person in the general population can perform, or

•significantly restricted as to the condition, manner, or duration under which an individual can perform a major life activity as compared to an "average" person in society.

•Persons are not substantially limited just because they cannot perform a specific job for one employer.

•Persons are not substantially limited because they are unable to perform a specialized job or participate in a profession that requires extraordinary skill or talent.

E. What About Essential Functions & Reasonable Accommodations?
In the ADA definition of who is protected under the law, it refers to persons with disabilities who (in addition to meeting other job qualifications) can perform the essential functions of the job with or without reasonable accommodation.

❑ 2-41

•**Essential Functions** mean "primary job duties that are fundamental to the employment position..." (From the Title I of the ADA). A function is essential if:

❑ 2-42

-the position exists to perform the function.

•Someone is hired solely to answer phones and take messages, then the ability to do so would be an essential function.

-there are a limited number of employees available to perform the function.

•There could be a low number of total employees or fluctuating operational demands within the business.

-the function is highly specialized or technical.

•An employee is sought and hired for his/her expertise in performing a particular task.

❑ 2-43

•Factors used to determine/document essential functions:

-the employer's judgment as to what functions are essential;

-written job descriptions which identify essential functions (prior to advertising and interviewing);

-the amount of time spent on performing the function (those functions where the majority of time is spent would be the essential functions);

-the consequences of not requiring the individual to perform the function;

❑ 2-44

-experience of persons who have performed the job in the past and experience of persons currently performing similar jobs;

-terms of a collective bargaining agreement; and

❑ 2-45

•**Reasonable Accommodation** means some modification or adaptation in a job's duties or structure, or in the workplace which allow a qualified person with a disability to do the job.

❑ 2-46

-Accommodations are determined on a case-by-case basis and individualized to the person with the disability and the essential functions of the job.

❑ 2-47

-Reasonable accommodation includes:

•Modifications, adaptations or adjustments to the job application process that enable a person with a disability to be considered for a position.

❑ 2-48

•Modifications, adaptations or adjustments to the work environment or the manner in which the job is typically performed which enable a person with a disability to perform the essential functions of the job.

❑ 2-49

•Modifications, adaptations or adjustments which allow equal enjoyment of the benefits and privileges of employment as are enjoyed by other employed persons of similar circumstances.

-Examples of reasonable accommodation:

•modifying work schedules
•making facilities accessible
•job restructuring
•part-time or modified work hours
•reassignment to a vacant position
•acquisition or modification of equipment or devices
•adjustments or modifications to testing, training materials and methods and policies
•provision of readers or interpreters

❑ 2-50

F. Must the Employer Make Modifications Regardless of the Expense or Effect on the Business?

•Employers must make reasonable accommodations to known physical or mental limitations of a qualified applicant or employee.

•Reasonable accommodation is required unless it would be an **undue hardship** for the employer.

❑ 2-51

•**Undue hardship** means any accommodation that would require significant difficulty or expense. This would include things that would:

-be unduly expensive;
-extensive, substantial or disruptive; or
-fundamentally change the nature of the job.

❑ 2-52

•Undue hardship is determined case-by-case.

•Undue hardship is determined by comparing the nature and cost

of the accommodation to the employer's resources, operation, and impact the accommodation would have on the business as a whole. Collective bargaining agreements can also be a factor.

❑ 2-53

G. Does the ADA Allow Exams and Inquiries? The ADA does not prohibit all pre-employment and employment exams and inquires, but the following situations are addressed in the law:

❑ 2-54

•Pre-employment inquiries and exams

-An employer may not ask an applicant about the existence, nature, or severity of a disability. However an applicant can be asked about his/her ability to perform the specific duties of the position. The applicant may be asked to describe or demonstrate how (with or without) reasonable accommodation, s/he will perform the job.

❑ 2-55

-An employer may not make medical inquiries or conduct medical exams until after a job offer has been made. An offer may be conditioned on the results of a medical exam or inquiry only if this is required for all entering employees in similar jobs.

❑ 2-56

-An employer may establish reasonable medical standards for safety or security reasons as long as they are applied to all employees who are in similar jobs.

❑ 2-57

-If an employer plans to administer tests to all employees, s/he may ask the applicants who need reasonable accommodations in testing situations to inform the employer and document the need prior to the administration of the test.

•Employee Inquiries and Exams

-Employers may require job-related inquiries and exams that are consistent with business necessity to determine employee fitness for duty or ability to perform job-related duties.

❑ 2-57

•**Confidentiality of Information**

-Any information obtained by an employer must be kept confidential.

-Information from medical exams must be maintained on separate forms and kept in separate files from general personnel information.

-Information may be shared only on a limited basis with supervisors, managers, first aid and safety personnel.
-Information may also be shared with government officials investigating compliance with Title I, state workers compensation offices, and insurance companies.

❑ 2-58

H. Are There Any Employer Defenses to Discrimination? There are possible defenses to discrimination under Title I including (but not necessarily limited to) the following:

•**Undue Hardship**

•**Conflict with Other Federal Laws**

•**Food Handlers.** An employer may refuse to assign or continue to assign a person with an infectious communicable disease which is transmitted through the handling of food. However, the disease must be listed by the U.S. Secretary of Health and Human Services as a disease which is transmitted through food handling and risks cannot be eliminated by reasonable accommodation.

•**Drug and Alcohol Abuse.** Employers may take steps to control the use of alcohol and illegal drugs in the workplace including prohibiting employees from being under the influence of drugs or alcohol in the workplace and requiring employee to obey the Drug-Free Workplace Act of 1988. Employers may hold substance abusing employee to the same performance and conduct standards as other employees.

Drug testing is permissible as long as testing is administered to all similarly situated employees.

❑ 2-59

I. Who Is Responsible for Enforcing Title I of the ADA?

•The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title I.

•Complaints may be filed with the EEOC or the designated state human rights agency within 180 days of the discriminatory action.

•To file a complaint on Guam an individual may file with the EEOC office in Hawaii or San Francisco, or

-file a complaint with the Department of Labor if employed in the private sector or with the Civil Service Commission if employed by the Government of Guam.

❑ 2-60

V. Local Legislation

A. Public Law 21-46, the Handicapable Employment Act of 1991 and the 700 Hour Program

•This program creates opportunities for temporary employment (not to exceed 700 hours) within all agencies of the Government of Guam to eligible persons with disabilities that are certified by the Department of Vocational Rehabilitation.

•Guarantees that at least two percent of the workforce or at least two individuals per agency or department shall be eligible persons with disabilities.

•The Department of Administration, in conjunction with the Department of Vocational Rehabilitation, coordinates implementation of this program for Government of Guam line agencies. Semi-autonomous and autonomous agencies are responsible for self-administering the program. At present there is no one entity within the Government of Guam responsible for the coordination, administration and compliance with the program. The Department of Labor is responsible for enforcement of the program.

•Individuals participating in this program will be given permanent appointments either prior to or after completing 700 hours of employment providing they receive a satisfactory ratings on their Performance Report.

[If participants are private sector employers, you may wish to skip the following information and resume your presentation with Participant Sharing.]

❑ 2-6

- An eligible person with a disability is an individual who:

  -is certified by the Department of Vocational Rehabilitation,

  -who has a disability as defined by the ADA, and

  -is qualified for the position.

- Initial appointments into the 700 Hour Program occur in 3 ways:

  -non-competitive appointment by a Department head,

  -referrals from the Department of Vocational Rehabilitation or Department of Education, Division of Special Education, or

  -competitive appointment through a job announcement.

- **Steps for Entering the Program via Non-competitive Appointment**

  -The department or agency identifies a budgeted position that is vacant.

  -The department identifies a qualified person with a disability and coordinates program eligibility certification with the Department of Vocational Rehabilitation and the Department of Administration.

  -The department prepares a request to employ the individual under the 700 Hour Program.

  -The Department of Administration prepares a Personnel Action which is forwarded to Payroll.

  -The individual is processed for employment.

- **Steps for Entering the Program via Referral**

  -An individual with a disability contacts the Department of Vocational Rehabilitation and seeks support in acquiring a position under the program.

  - The individual obtains certification as an eligible person from the Department of Vocational Rehabilitation.

•The individual completes a job application.

-The Department of Vocational Rehabilitation makes a referral on behalf of the individual to the Department of Administration.

-Upon receipt of the referral, the individual submits an application and a copy of his/her disability certification to the Department of Administration.

-The Department of Administration reviews the application and prepares a list of positions for which the individual is qualified.

-The Department of Administration contacts via memorandum each department or agency with an appropriate vacancy requesting the department per agency to recruit the individual.

-If a department or agency recruits the individual they process employment as described in the non-competitive procedure.

•Steps for Entering the Program Via Competitive Recruitment

-The Department of Administration identifies a position for recruitment of individuals eligible for the 700 hour program and announces the position. The position is not open to persons who are not eligible for the 700 Hour Program.

-Person eligible for the 700 Hours Program apply and compete for the position in accordance with standard Government of Guam personnel procedures.

VI. Participant Sharing

Exercise

[Have participants get with a partner and share what they learned from this module and how they will use the information in their work setting.]

Employment Power

Module Three
Strategies for Success

Module Three

Strategies for Success

I. Overview of the Module

This module will present practical ideas and strategies to successfully employ persons with disabilities. Participants will gain information and skills in: (1) developing effective recruitment and hiring practices, (2) in identifying essential functions of jobs, (3) identifying and developing accommodations, and (4) developing effective post-employment practices.

II. Objectives for the Module

After completing this module, participants will be able to:

1. Describe an inclusive workplace and the steps necessary for creating inclusive employment settings;

2. Identify and plan recruitment strategies for identifying potential qualified employees with disabilities;

3. Describe what are the features and benefits of conducting a job analysis;

4. Identify the key components of an effective job analysis;

5. Conduct a job analysis;

6. Identify and plan effective pre-employment interviews and evaluations for qualified applicants who experience disabilities;

7. Describe the process for identifying and planning accommodations;

8. Identify and plan effective "low cost" accommodations; and

9. Describe post-employment strategies that support successful long-term employment of persons with disabilities.

III. Facilitator and Participant Materials and Equipment

A. Facilitator Materials & Equipment

1. Participant Manual (for reference)
2. Module Three Facilitator Presentation Outline
3. Overheads for Module Three
4. Overhead Projector and Spare Bulb
5. Flip Chart or White Board with Colored Markers
6. Pens, Pencils and Masking Tape

B. Participant Materials & Equipment

1. Participant Manual (one copy per participant)
2. Chart Paper & Markers (one pad of paper and set of markers for each group of 4-6 participants)
3. Sufficient copies of the Employment Power Workshop Evaluation form to use at the conclusion of the training

Module Three

Strategies for Success

Facilitator Presentation Outline

[This is the actual presentation outline to be used by the facilitator. Directions for the facilitator appear shaded in brackets.]

❑ 3-1

I. Introduction to Module Three

❑ 3-2

•This module is designed to provide you with strategies and ideas for successfully employing persons with disabilities in the workplace. We will be focusing in on practical suggestions and guidelines that you can apply to the unique features of your particular business or agency.

❑ 3-3

•Topics we will be discussing include:

-General guidelines for creating an inclusive workplace
-Pre-employment strategies
-Job analysis and essential functions
-Identifying, planning and implementing accommodations
-Post-employment strategies

❑ 3-4

II. The Inclusive Workplace

A. Some Facts

•Studies show that two-thirds of Americans with disabilities between the ages of 16 and 64 are unemployed. At the same time studies also indicate that the majority of persons with disabilities do want to work.

❑ 3-5

•Studies also show:

1. that persons with disabilities perform just as well as persons without disabilities;

❑ 3-6

2. the cost of employer provided insurance is unaffected when persons with disabilities are included in the workforce; and

3. job accommodations generally do not create a financial burden for the employer. The majority of accommodations cost under $500.00.

❑ 3-7

•Persons with disabilities represent an untapped resource for employers that can be easily tapped into by creating **inclusive workplaces**.

❑ 3-8

B. What is an Inclusive Workplace?

•**Inclusion** is a word that is used to describe environments and settings which actively support full participation by individuals who have traditionally been "left out" or discriminated against.

❑ 3-9

•An inclusive workplace is a business or agency that values diversity and recognizes that within a diverse workforce, more perspectives, ideas and experiences are available to solve problems and create innovation. Over the years most workplaces have become more "inclusive" with respect to women and racial minorities, but persons with disabilities still are being excluded.

❑ 3-10

•An inclusive workplace requires more than token participation. It requires equal opportunity for individuals to access the full range of opportunities and experiences available to others within the business or agency. This relates to wages, the types of positions initially available, and career advancement, access to the lunch room and training opportunities.

•Inclusive workplaces do not just appear overnight. They are created through a process that requires leadership and specific actions.

❑ 3-11

C. Guidelines for Creating an Inclusive Workplace

•**Commitment.** The first step is to clarify your intention and articulate your commitment. Develop a written statement of your company or agency policy on employing persons with disabilities and use it to orient other members of your workforce. It may be helpful to engage in a "visioning" process within your organization to look at the extent that your workplace is inclusive and what changes could be made that would create more opportunities for persons with disabilities.

❑ 3-12

•**Create Policies and Procedures That Support Inclusion and Provide Guidance to Employees Involved in Hiring and Supervision.** It is critical that you create policies and procedures which address recruitment, interviewing, pre-employment evaluations, accommodations, supervision, and confidentiality issues. These not only communicate your organization's intent to become more inclusive, but they serve to document that your organization's employment practices are consistent with Title I requirements.

❑ 3-13

•**Educate Your Workforce.** All employees need awareness and sensitivity training. Information is essential if employees are going to be receptive and comfortable with co-workers (and customers) with disabilities. As policies and procedures are developed be sure those responsible for their implementation are adequately trained and understand why they are important.

❑ 3-14

•**Conduct an Accessibility Review of Your Workplace.** This is critical; you cannot effectively include persons with disabilities either as employees **or customers** if your organization is not accessible.

❑ 3-15

•**Get Assistance and Support As Needed.** As you begin creating an inclusive workplace and have persons with disabilities participating as employees you may find that there are times you need more information and/or support to be maximally effective. Begin by enlisting the help of persons with disabilities already within your organization. Additional resources can be accessed through the resources identified in the Resource section of your Participant Manual.

[Take a few minutes and orient participants to the Resource section of their Participant Manual.]

❑ 3-16

II. Getting Started : Identifying Potential Qualified Employees with Disabilities

•On Guam businesses compete for a limited pool of qualified employees, therefore it is important to take full advantage of variety of recruitment strategies.

❑ 3-17

A. Job Announcements and Advertisements. Traditional recruitment efforts tend to focus on job announcements and advertisements. The effectiveness of these methods in reaching qualified individuals with disabilities can be enhanced by applying the following guidelines:

❑ 3-18

-Include information on the essential functions of the position and develop qualifications around those functions. Job analysis can be of assistance in determining both essential functions and employee qualifications.

-Avoid listing qualifications which do not relate to essential functions as they will tend to discourage individuals who because of a disability cannot meet the nonessential qualifications.

Example: Your business is looking for someone who can perform daily data entry. The essential functions of the position involve the ability to operate your computer system, read hand written data entry forms and enter the data at a minimum level of speed. In your recruitment notice you would want to specify these functions. However, since the position requires very little contact with others or verbal communication it would not be appropriate to list "good oral skills" in the notice. If you did include this as a qualification you might discourage an otherwise highly qualified individual who has a speech impairment from applying.

❑ 3-19

-You also might want to include a statement in your job announcements that you do not discriminate on the basis of disability or that qualified individuals with disabilities are encouraged to apply.

-You could also include a statement that information about this and other job openings is available in alternative formats.

Example: You can provide job information in Braille, large print, on audiotape or through an interpreter.

❑ 3-20

B. External Source of Recruitment. On Guam there are many agencies and programs that support and maintain contact with persons with disabilities and these should be tapped as potential recruiting sources. In order to use these resources efficiently it is important to know who they serve, what are the skill levels of the individuals they serve and what pre and post employment supports does the program/agency provide.

III. Knowing What the Job Is: Job Analysis and Essential Functions

• All employers want the right person for the job. Making hiring decisions involves evaluating the applicant's skills and qualifications in relation to the requirements of the job.

❑ 3-21

A. Job analysis provides an objective basis for making hiring and other personnel decisions. In part, it is the process of breaking a job into its **essential functions** and determining the qualifications employees need in order to perform these functions.

[You may wish to remind students of that under Title I of the ADA, a person with a disability is considered qualified for a job if she or he can perform the essential functions of the job with or without accommodation. And, essential functions mean "primary job duties that are fundamental to the employment position..." A function is essential if: (1) the position exists to perform the function, (2)there are a limited number of employees available to perform the function, or if the function is highly specialized or technical.]

❑ 3-22

-Job analysis can be used in other ways that benefit **all** employees and personnel functions including interviewing, determining pay, training employees, evaluating job performance.

-But, in using it to effectively employ persons with disabilities the focus of the job analysis is on the essential functions of a job and identifying potential accommodations.

❑ 3-24

B. Key Components of a Job Analysis

- Description of the Purpose of the Job
- Analysis & Description of the Essential Functions of the Job
- Analysis & Description of the Job Setting
- Description of Employee Qualifications (based upon the essential functions)

❑ 3-25

C. Conducting a Job Analysis.

[This material was adapted with permission from a fact sheet titled *Job Analysis- An Important Employment Tool* developed by the President's Committee on Employment of People with Disabilities, October, 1994.]

[Refer participants to the handout *How to Conduct a Job Analysis* on page 3-21 of their Participant Manual. The information contained in the handout appears below.]

Job Analysis Questions.

1. Purpose of the Job

-What is the particular contribution of the job toward the accomplishment of the overall objective of the work unit or organization?

2. Essential Functions of the Job

-What are the tasks or activities that actually constitute the job?
-Is each of these really necessary?

-What is the relationship between each task?
-Is there a special sequence which the tasks must follow?

-Do the tasks necessitate sitting, standing, crawling, walking, climbing, running, stooping, kneeling, lifting, carrying, digging, writing, operating, pushing, pulling, fingering, talking, listening, interpreting, analyzing, seeing, coordinating, etc.?

-How many other employees are available to perform the task/s?
-Can the performance of the tasks or parts of tasks be distributed among other employees?
-Would removing or reassigning a task fundamentally alter the nature of the job?

-How much time is spent on performing each task/activity that constitute the job?
-Are the tasks that are performed less frequently as important as those done more frequently?
-What is the pace of the job? Is there a consistent pace across the component tasks of the job?
-What happens if the task is not completed on time?

3. Job Setting

Location
-Where are the essential functions of the job carried out?
-Could they be done elsewhere?

Organization
-How is the work organized for maximum safety and efficiency?
-How do workers obtain necessary equipment and materials?

Movement
-What movement is required of employees to accomplish the essential functions of the job?

Conditions
-What are the physical conditions of the job setting (hot, cold, damp, inside, outside, underground, wet, humid, air conditioned, dirty, greasy, noisy, sudden temperature changes etc.).
-What are the social conditions of the job (works alone, works around others, works in public, works under close supervision, works independently, works under deadlines etc.).

4. Worker Qualifications
-What are the physical requirements (lifting, driving, cleaning etc.)?
-What are the general skills needed for the job (ability to read, write, listen, add, etc.).
-What specific knowledge and/or training is necessary? Can it be obtained on the job?
-What previous experience, if any, can replace or be substituted for the specific training requirements?

C. Using the Information

•By answering these questions for each job in your business or organization you will have the information you need as an employer to:

1. identify essential functions;
2. write current and accurate position descriptions;
3. develop objective job-related interview and evaluation questions;
4. perform objective employee performance reviews;
5. determine accommodations that can assist a person with a disability perform the job; and
6. conduct personnel functions in a non-discriminatory manner.

•Job analysis also helps document that a "match" either exists or does not exist between the qualifications of the applicant and the essential functions of a job. It creates a system of objective evaluation in hiring decisions and can be helpful in documenting adherence to ADA requirements. Additionally, job analysis can reassure supervisors and co-workers that a person with a disability really can perform the job.

❑ 3-25

III. Pre-employment Strategies: Applications, Interviews & Testing

❑ 3-26

A. Applications

•Job applications often represent the first step in the employment process and can present significant challenges to persons with disabilities if employers are unaware of the potential needs of applicants or requirements of the ADA.

•To address these issues it is important that your organization establish and implement application procedures which are consistent with Title I requirements and provide reasonable accommodation in the application process. What does this mean?

❑ 3-27

•First, remember that **the ADA prohibits employers from asking applicants if they have a disability and/or any information about their disability.**

❑ 3-28

•It would, however, be effective to implement an application process that informs all potential applicants that your organization can provide reasonable accommodation to individuals who request them.

❑ 3-29

What would be a reasonable accommodation to the application process?

-Providing assistance in actually filling out the application for an individual who due to a physical disability was unable to write answers to the questions on the application form; or

-allowing the person to take the application home to complete it and setting a time to bring it back.

❑ 3-30

B. Interviews

•All employers want the best person for the job and conducting a good interview is critical. When interviewing a person with a disability for a job, **remember you are interviewing the person with skills and abilities, not a disability.**

❑ 3-31

•Your beliefs, attitudes and feelings about persons with disabilities will come into play during the interview process. It is important to be aware of this and notice if you are uncomfortable. Usually people are uncomfortable because they are unsure of what to say or how to act.

•Refer back to the information presented in Module One and remember when in doubt if a person needs assistance simply ask, "May I be of assistance?" or "Is there anything I can do to make our interview more comfortable for you?"

❑ 3-32

•Remember, the ADA prohibits an employer from inquiring about the presence of a disability. But, you do want and need to allow the person to discuss his or her strengths, limitations and qualifications. It is OK to say something such as, "Would you explain to me how you will perform the job and what if any kind of accommodation you might need if you are selected for the position?"

❑ 2-33

Guidelines for Conducting A Job Interview

[Refer participants to the handout titled *Guidelines for Conducting a Job Interview* on page 3-23 of their Participant Manual. The information contained in the handout that appears below and was adapted with permission from a fact sheet developed by the President's Commission on Employment of People with Disabilities, October, 1993.]

1. Make sure your organization's employment offices and your interviewing location are accessible to applicants with mobility impairments, visual, hearing, or cognitive disabilities.

2. Train your interviewers. Provide them with disability awareness training and information and be sure they understand ADA Title I requirements and what questions are prohibited. Emphasize that they are interviewing a person first with skills and abilities; they are not interviewing a disability. Assist them in acknowledging and examining their own preconceptions about persons with disabilities and how these beliefs may influence the interviewing process.

3. Be willing to make appropriate and reasonable accommodations to enable a job applicant with a disability to present himself/herself in the best possible light. For example, offer assistance to applicants who are blind or have limited use of their hands in completing their job application forms; provide an interpreter for an applicant who is deaf; offer detailed or specific instructions to persons with cognitive disabilities.

3. Do not let a rehabilitation counselor, social worker or other third party take an active part in or sit in on an interview unless the applicant has made this request. If a counselor does sit in be sure to interview the applicant and not the counselor.

❑ 3-34

4. Make sure you have in-depth knowledge of the essential functions, regarding the position for which the applicant is applying, as well as the details of why, how, where, and by whom each task or operation is performed. This will enable you to structure the interview better and ensure that all questions are job related.

❑ 3-35

5. Relax and make the applicant feel relaxed. Do not be afraid of making mistakes. At the same time, remember that candidates (particularly those applying for professional positions) must be expected to assume an equal share of the responsibility for making your interaction with them comfortable.

6. Do not speculate or try to imagine how you would perform a specific job if you had the applicant's disability. The person with a disability has mastered alternate techniques and skills of living and working with his/her particular disability. You should ask an applicant to describe how he or she would perform a certain job function if it is an essential function of the position.

❑ 3-36

7. Concentrate on the applicant's technical or professional knowledge, skills, abilities, experiences, and interests; not on the disability. **Remember, you can't interview a disability, hire a disability, or supervise a disability. You can interview a person, hire a person, and supervise a person.**

❑ 3-37

8. If the applicant is not technically or professionally qualified for the position in question, end the interview. Explain to the person why he or she is not qualified; explain the skills and experience others who perform the job possess, which he or she lacks. This is important so that the person knows that his/her failure to get the job was based on lack of qualification rather than on his/her disability. If the applicant is not qualified you do not need to refer to the disability at all.

❑ 3-38

9. If the applicant is technically or professionally qualified, and has a known disability, feel free to discuss in an open, honest, and straightforward manner how he or she plans to perform specific on-the-job duties and what he or she will need to get the job done. Remember, all questions should be **job-related** and asked in an open ended format.

❑ 3-39

D. Pre-Employment Testing

•The ADA has specific requirements for conducting pre-employment evaluations of persons with disabilities.

[Refer participants to page 2-28 of their Participant Manual to review these requirements.]

[Refer participants to the handout titled *Guidelines for Testing* located on page 3-25 of their Participant Manual. The information contained in this handout appears below.]

Guidelines for Testing

1. Be sure your testing or evaluation site is accessible for persons with disabilities.

2. Employers should inform applicants in advance if a test or evaluation is going to be given, so that the applicant can request an accommodation in advance.

❑ 3-40

3. Remember why you are conducting the test and be sure the test is measuring the applicant's ability to do the job, rather than the effect of the disability. Be sure to test applicants with visual, hearing, speaking or manual impairments in ways that do not require use of the impaired skill, unless the test is specifically designed to measure that skill.

❑ 3-41

4. Some disabilities will prevent some applicants from passing certain tests even though the person may have the ability to perform the job. For example a person recovering from mental illness may be highly qualified for a position but is not able perform well under the pressure of a testing situation. It may be better to supplement or replace testing with applicant's work experience, training and education.

5. If an applicant has a visual impairment of a learning disability, reading a test to him or her is one way to measure abilities for positions where reading is not an essential function of the job.

6. To test a person with a visual impairment on typing skills, record the test using a dictating machine and score it just as you would a written test.

7. If a person has a hearing impairment and test directions are given verbally, be sure the person has understood them and/or provide them in written format.

8. If an person has a learning disability be sure he or she understands the instructions. They may need to be modified, broken into smaller steps, or presented orally.

9. Some persons with disabilities (e.g. persons who use readers or who have reading or writing disabilities) may require more time on certain tests.

❑ 3-42

IV. Strategies for Identifying & Planning Reasonable Accommodations

A. What are Job Accommodations?

•All of us use tools to be effective at our jobs. Persons with disabilities are not any different, even though they may use some different kinds of tools than we normally think of for getting certain jobs done. The nontraditional "tools" are referred to as job accommodations and they assist qualified employees with disabilities to get the job done right.

❑ 3-43

•Job accommodations can be conceptualized as falling into three categories:

-**environmental accommodations** (e.g. the removal of architectural barriers);
-**equipment accommodations** (e.g. modifications to existing tools and devices and the provision of assistive devices and special tools); and
-**procedural accommodations** (e.g. restructuring tasks or schedules, redesigning how jobs are accomplished, adding a reader or interpreter to the workplace.).

❑ 3-44

B. Guidelines for Making Job Accommodations

[Refer participants to the handout *Making Job Accommodations* on page 3-26 of their manuals. Review the information in the handout by using the presentation outline that appears below.]

1. Accommodations are developed in partnership between the person with the disability and the employer. Other appropriate individuals may be asked to join the effort (e.g. union representatives or rehabilitation counselors). Teamwork results in cost-effective solutions.

2. Focus on the what the person can do, rather than on the disability. Do not assume that because an individual has a particular disability that a particular accommodation will be needed or effective.

3. Individualize accommodations. Accommodations are determined case-by-case. Each pers experiences his or her disability in a unique way. The employee is often the best source of ideas for accommodations! Consider employee preferences.

❑ 3-45

4. Keep accommodations simple! The majority of accommodations made in the workplace require no or minimal cost. Be creative and use common sense.

5. Take a holistic approach. Do not just focus on the functional aspects of the accommodation. Think about how the accommodation will effect the overall environment, other employees, the way the person with the disability is per-received by other employees. See the big picture.

❑ 3-46

C. Steps for Determining Effective Job Accommodations

1. Determine the essential functions for the job. If you conducted a job analysis for the position this is already done!

2. Have an open, honest discussion with the person who has the disability to identify specific job-related limitations and how accommodations might help overcome these limitations.

❑ 3-47

3. Identify specific potential accommodations. Assess the feasibility of each idea. Consider these factors: effectiveness, cost, impact of the accommodation on other employees, the environment and organization.

If you are unable to find a solution, get outside help. Contact local resources or the Job Accommodation Network (JAN), a service of the President's Committee on Employment of People with Disabilities. JAN provides free international accommodation consulting service for employers. They maintain a large data base of solutions to accommodations problems and will work with employers to identify other cost effective strategies.

[Refer participants to the Resource Section of their Participant Manual for local resource and the Job Accommodation Network phone number and contact information.]

4. Select the "best fit" of accommodation to needs of the individual and needs of the organization.

❑ 3-48

5. Provide information and orientation to the accommodation to other workers, supervisors, and mangers. This will help demystify the situation and help build acceptance among nondisabled members of the workforce.

6. Try out the accommodation and modify as needed. Remember everything changes and accommodations may need to be altered to meet the ever

changing needs of the person and the organization.

D. Accommodations Ideas

[The material in this handout was adapted with permission from fact sheets titled *Job Accommodation Ideas* developed by the President's Committee on Employment of People with Disabilities, 1993 & 1994.]

[**Group Exercise**. Break into small groups and provide each group with a flip chart and markers. Have them turn to the handout *Finding Solutions* on page 3-27 of their Participant Manual. Instruct the groups to discuss each of the "problems" and brainstorm a "solution" or accommodation to the "problem". They should record the problem and solution on the flip chart. After the groups have identified solutions for the problems discuss each problem and ask each group to report out their solutions. The "problems" and possible solutions appear below.]

•Problems/Solutions

Problem #1

An employee in your organization who is responsible for daily data entry has developed an eye disorder and was told by her doctor to avoid eye fatigue.

Solution

Glare on the computer screen seems to be the cause of the eye fatigue so you purchase an antiglare screen for her workstation.

You restructure her job by having her job share the data entry with the person currently answering the phones. By doing the amount of time spent at the computer is distributed across the workday. It also provides job enhancement for the receptionist.

Problem #2

As a result of diabetes, a productive employee in your retail business is experiencing fatigue and needs time during the day to administer medication. Because of the fatigue she is having difficulty being on the sales floor for extended periods of time.

Solution

You alter her work schedule so that she has a longer meal break so she can rest for an hour after eating and schedule several special breaks around her medication schedule.

Problem #3
An insurance salesperson with cerebral palsy has difficulty taking notes while on the telephone because he need both hands to write effectively.

Solution
You purchase a headset for the phone.

Problem #4
A person with a learning disability works as a police officer but spends an excessive amount of time filing out forms at the end of the day, because his disability makes it difficult for him to read and write when there is a lot of information on a page. The information on the forms is used to develop typewritten reports at the end of the week.

Solution
You provide the officer with a tape recorder or dictaphone and he completes the forms verbally. A secretary types his reports from dictation while she types the other officers' reports from their handwritten copies.

Problem #5
You hire a person who uses a wheelchair as a bank loan officer, but she cannot use the desk currently in the office because it is too low and her knees will not fit under it.

Solution
You raise the desk on wood blocks, allowing a proper amount of space for the wheelchair to fit under the desk.

•Other Ideas

[Refer participants to the handout *Sample Job Accommodation Ideas* on page 3-28 of their Participant Manual and review the sample accommodations. The information contained in the handout appears below. This handout was prepared from materials from the President's Committee on Employment of People with Disabilities, 1993 & 1994.]

Sample Job Accommodations

Problem: An airline programmer/analyst with post-polio fatigue brought on by stress cannot be on-call 24 hours a day and work overtime as needed.

Solution: Waiver of the company requirement of 24 hour on-call status and overtime. The employee works the hours prescribed for "older adult" worker program participants of the airline. Cost $0.

Problem: A worker with traumatic brain injury is employed at a bank, processing checks and other transactions. Items must be numbered and placed into a sorting machine tray in a specific manner. The problem lay in periodic confusion due to memory loss and weakness in one side of this body.

Solution: A job coach/trainer is requested and provided by the Department of Vocational Rehabilitation to assist in providing special on-the-job training on task sequencing and equipment is adjusted to accommodate his weakness. Cost: $0.

Problem: Because of a severe hearing loss, a nurse is unable to monitor multiple alarms on medical equipment in the intensive care unit.

Solution: To continue to utilize her experience and training, the hospital transfers her to an open position in the laboratory, where a vibrating pager and a portable TTY is used to direct her to various locations throughout the hospital.

Problem: An administrative assistant with amyotrophic lateral sclerosis (ALS) has difficulty with using the phone, typing, computer input, completing forms and reports and doing some filing.

Solution: A cordless headset for the telephone is purchased, arm rest extensions from the edge of the desk are installed to reduce strain on wrists and arms, and a new effortless lock and handle are installed on the restroom door. Cost $450.00

Problem: A receptionist who is blind works at a law firm. She cannot see the lights on the phone console which indicate which telephone lines are ringing, on hold, or in use by staff.

Solution: The employer purchases a light-probe, a penlike product which detects a lighted button. Cost $45.00

Problem: A clerk-typist with severe depression experiences problems with the quality and quantity of her work.

Solution: The employee is provided with extended sick leave to cover a short period of hospitalization and a modified work schedule to allow her to attend weekly psychotherapy treatment. Treatment is covered under her health plan.

Problem: A "quick service" restaurant grill operator has a severe learning disability. He cannot read, but can recognize specific single letters on orders.

Solutions: Condiment bins are coded with the first letter of the item so the worker can match the orders to the bins. In addition, he was taught three key words ("only", "none", and "plain") through flash cards and repetition.
Cost: $25.00.

Problem: A technician in a telephone service industry uses a hearing aid. The job duties require installing and repairing telephone lines, which include using a "butt-in" portable test phone that is attached to telephone lines being repaired. The test set interferes with the employee's hearing aid.

Solution: A "butt-in" test set equipped with an audio speaker was purchased which allowed the worker to test lines without having to place the test device near his ear. This device is also useful for workers not using hearing aids. In addition the employee is provided with an amplified tone locator.
Cost $200.00.

Problem: An employee with an attention deficit disorder works in the laundry of a hotel and is having difficulty staying on task.

Solution: The employee is provided with a walkman recorder with headphones and cassettes which contain music and frequent reminders to attend to work. This reduced distractions and helped him focus on the job.
Cost $150.00.

Problem: A person applied for a job as a cook in a restaurant and was able to perform all job tasks except opening cans, due to the loss of a hand.

Solution: The employer contacted the President's Committee's Job Accommodation Network and was given a list of one-handed can openers and bought one.
Cost: $35.00.

Problem: A company hired a clerk who could not access the vertical filing cabinets from her wheelchair.

Solution: The company relocated the files into a lateral file. Cost $450.00.

Problem: A medical technician who was deaf could not hear the buzz of a timer which was necessary to timing laboratory tests.

Solution: An indicator light was purchased. Cost $26.95.

Closing Note. Numerous surveys of accommodations and their cost show that in the majority of cases job accommodations cost less than $500.00 and many cost nothing. The President's Committee's Job Accommodation Network reports that:

- Thirty-one percent of accommodations cost $0.00.
- Fifty percent cost less than $50.00.
- Sixty-nine percent cost less than $500.00.
- Eighty-eight percent cost less than $1,000.

V. Post-Employment Strategies for Success

•When an organization fills a vacant position, there is often considerable time and money directed toward making the new employee an effective member of the workforce. High turnover and poor on-the-job performance adversely impact upon success of the organization and cost money. Therefore, it is imperative that employers implement strategies that ensure competence and long term commitment on the part of all of their employees, including those with disabilities.

•By addressing the following post-employment issues employers can increase the effectiveness of their employees with disabilities and stability of their workforce.

❑ **3-49**

A. Supervision of Employees with Disabilities

•It is critical that management prepare supervisors for working with persons with disabilities as they play a key role in determining the success of the employee.

-Supervisors need disability awareness training and accurate information about the work potential of persons with disabilities. This will help in developing a positive realistic attitude towards employees with disabilities under their supervision.

-Supervisors need to receive clear messages from management about the organization's commitment to employing persons with disabilities, as well as going support and recognition for a job well done.

❑ 3-50

-Communicate clear roles and expectations to the supervisor. The supervisor should be a aware that, with the exception of the provision of accommodation, they should provide the same supervision and performance standards to an employee with a disability as they do to other employees. Additionally, employees with disabilities should be afforded the same opportunities and employment related benefits as employees without disabilities.

-Involving supervisors in all phases of the employment process, including recruitment, interviewing and job accommodation is also important.

❑ 3-51

B. Develop and Provide Natural Supports

•All organizations provide internal or natural supports to employees.

❑ 3-52

•All too often we think that persons with disabilities need special or external supports to succeed when in reality natural supports are more effective and less interrupting to the business or organization. Additionally, natural supports build and reinforce the concept of the inclusive workplace.

❑ 3-52

•Natural supports may be formal and fall under the realm of employee supervision. Formal supports include answering questions, providing feedback and solving problems employees are not able to solve independently.

•Natural supports can also be provided indirectly such as assigning a new employee a co-worker or mentor for the first few weeks on the job. The mentor can provide on-the-job support including showing the new employee the "tricks of the trade" as well as teaching the new employee the social customs of the workplace (e.g. we take turns bringing in donuts on Fridays). Mentoring can be very effective for all new employees including employees with disabilities.

❑ 5-53

•Fostering relationships among employees increases the amount of support available to employees and benefits the employee and the employer.

Employees provide natural support to each other informally and the support often benefits the employer as well.

Examples of employee provided natural supports:

-offering each other assistance in transportation, resulting in decreased absenteeism;

-helping to lift heavy objects, resulting in increased job safety; and

-reminding each other of forgotten tasks that need to be finished, resulting in enhanced job performance.

[Ask participants what other examples of natural supports they can think of and how these benefit the employer.]

❑ 3-55

C. Keep Career Paths Open

•The idea that people with disabilities just want a job, any job, and that they are quite content to stay in entry level positions is another disability myth. The majority of persons with disabilities are just like their nondisabled co-workers. They have dreams, career goals, and need to maximize earning potential and job advancement.

-Create career paths for employees with disabilities within your organization. Provide opportunities for training and skill development just as you do for employees without disabilities. In planning training seminars for employees be sure to arrange for them to be conducted in accessible locations and make accommodations as needed (e.g. interpreters, readers, drivers etc.).

-If an employee with a disability has a particular skill or expertise that other in your organization need training in, consider using the employee as the trainer.

❑ 3-56

D. Actively Promote Inclusion

•Another commonly held misconception is that persons with disabilities prefer being left alone to work in isolation. Just like persons without disabilities, some individuals with disabilities like to be left alone but the majority enjoy the company of co-workers and the chance to be part of a team.

-Be careful not to isolate employees with disabilities from co-workers. When appropriate have them participate in group projects and in leadership roles.

❑ 3-57

-Include employees with disabilities in informal employee gatherings and events. Be sure that company parties and events are conducted in accessible locations. Just because an employee uses a wheelchair, does not mean she would not enjoy attending the company Christmas dance or wish to participate in the company sponsored road clean-up.

VI. Closing the Workshop

❑ 3-58

I. Reflective Exercise

[Directions for the Exercise. Have participants break into small groups. Each group will need chart paper and markers. Instruct each group to discuss what are the 3 most important things they learned during this workshop and why these 3 things stand out for them. They are to record their responses on the chart paper. Then they are to discuss what action/s they intend to take within their own business or organization as a result of participating in this training. They should record their responses on the chart paper.

After the groups have finished reform as a large group and have each group report out. Allow about 30 minutes for this activity.]

II. Closing

A. Thank Participants

B. Workshop Evaluation

[Have participants complete the Workshop Evaluation prior to leaving.]

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Resources

National Resources & Technical Assistance

Americans with Disabilities Act Title I Hotlines

National ADA Technical Assistance Hotline	(800)949-4ADA voice & text
The Department of Justice	(202)514-0301 voice (202)514-0383 text
The Equal Employment Opportunity Commission	(800)669-4000 voice (800)800-302 text

Americans with Disabilities Act Title I Regulations

Equal Employment Opportunity Commission
1801 L Street, N.W., Room 9024
Washington, DC 20507

(800)669-3362 voice
(800)800-3302 text

Publications & Fact Sheets

President's Committee on Employment of People with Disabilities
1331 "F" Street NW
Washington, DC 20004-1107

(202)376-6200 voice
(202)376-6205 text
(202)376-6219 fax

Clearinghouse on Disability Information
Switzer Building, Room 3132
330 "C" Street SW
Washington, DC 20202-2524

(202)205-8241 voice

National Rehabilitation Information Center
8455 Colesville Road #935
Silver Spring, MD 20910-3319

(301)588-9284 voice & text

President's Committee on Mental Retardation
330 Independence Avenue, SW, Room 5325
Washington, DC 20201-0001

(202)619-0634 voice

National Resources & Technical Assistance

Job Accommodation & Technical Assistance

Job Accommodation Network (JAN) 918 Chestnut Ridge Rd. Suite 1 West Virginia University P.O. Box 6080 Morgantown, WV 26506-6080	(800)526-7234 voice & text
JAN Computer Bulletin Board	(800)342-5526 voice & text
Disability and Business Technical Assistence Center 440 Grand Avenue, Suite 500 Oakland, CA 94619	(510)465-7884 voice (510)465-3172 text (510)465-7885 fax

Local Resources & Technical Assistance

Agency for Human Resource Development (AHRD)
Administers the federally funded program: Job Training Partnership Act (JTPA) Employment training & placement.

304 E Sunset Blvd.
Tiyan, Guam
475-0750 - 60
477-8198 voice
477-5022 fax

Department of Administration
Coordinates implementation of the 700 Hour Employment Program for Government of Guam agencies (excluding the autonomous & semi-autonomous agencies & departments).

P.O. Box 884
Agana, Guam 96910
475-1141/1128/1270 voice
477-5016 text
477-7100 fax

Department of Vocational Rehabilitation (DVR)
Administers federally funded programs: Vocational Rehabilititaion Services Program, Supported Employment Services Program, & Independent Living Program, as well as locally funded Independent Living Program. Employment evaluation, training, & placement.

Building 1313
Central Avenue
Tiyan, Guam 96913
475-4645 - 7 voice
477-2892 fax

Local Resources & Technical Assistance

Goodwill Industries of Guam
Provides supported employment services.
Employment evaluation, training, & placement.

130 Rehabilitation Center Street
Tamuning, Guam 96931
646-4885 voice
649-1664 fax

Governors Commission on Persons with Disabilities
Clearinghouse and advocate for persons with disabilities on Guam.
General information, ADA training, information, & technical assistance.

Office of the Governor
P.O. Box 2950
Agana, Guam 96910
475-9353 - 4 voice
472-1106 text
475-9127fax

Guam Developmental Disabilities Council
Advocates for systems change, public change, and best practices that promote full inclusio and integration of people with developmental disabilities.
General information source.

104 F Street
Tiyan, Guam 96913
475-9127 voice

Guam Protection and Advocacy Office

Provides advocacy services to persons with disabilities and their families.

P.O. Box 8830
Tamuning, Guam 96911
472-8985/6/7 voice
472-8988 text
472-8989 fax

Guam University Affiliated Facility (UAP)

Provides program development, training & techncial assistance, and information dissemination & research to increase and improve services for persons with disabilities.
General information source, training & technical assistance and research and dissemination.

College of Education
University of Guam
House #11 Dean's Circle
UOG Station
Mangilao, Guam 96923

735-2480-9 voice
734-6531 text
734-5790 fax

Employment Power

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EMPLOYMENT POWER

An Employer Awareness & Training Program

PARTICIPANT MANUAL

Prepared by Bonnie Biel Brandt
Guam University Affiliated Program
August 1995

This product was developed pursuant to a contract between the Guam Developmental Disabilities Council and the Guam University Affiliated Program

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The Guam University Affiliated Program extends a warm thank you and "Si Yu'os ma'ase" to the following individuals and organizations. We commend you for your willingness to work collaboratively to increase and support employment opportunities for persons with disabilities on Guam.

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Bank of Hawaii

Eddie Del Rosario
Protection and Advocacy Office

Mack Ezzell
Community Member

Angie Franquez
Bank of Hawaii

Ray Lizama
Department of Administration

Kathyrn Mc Diaz
Department of Administration

Teddy Porter
I Achon Mina'lak

Tony Prieto
Guam Housing and Urban Renewal Authority

Robert Taitano
Guam Department of Administration

Employment Power Participant Manual

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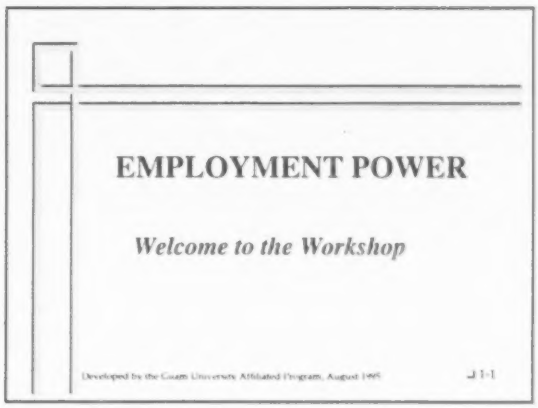
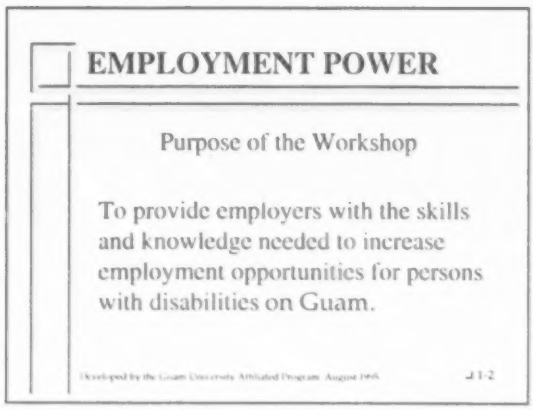
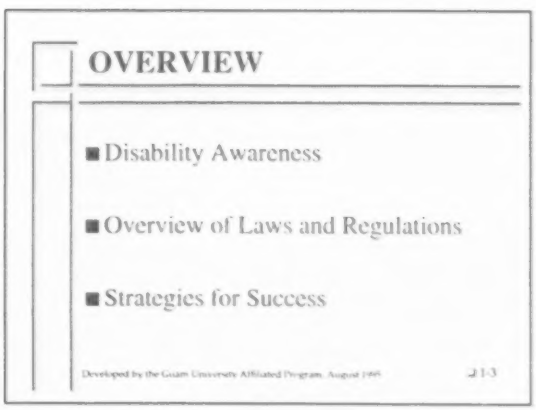

EMPLOYMENT POWER
Welcome to the Workshop
Developed by the Guam University Affiliated Program, August 1995
J 1-1


EMPLOYMENT POWER
Purpose of the Workshop
To provide employers with the skills and knowledge needed to increase employment opportunities for persons with disabilities on Guam.
Developed by the Guam University Affiliated Program, August 1995
J 1-2


OVERVIEW
Disability Awareness
Overview of Laws and Regulations
Strategies for Success
Developed by the Guam University Affiliated Program, August 1995
J 1-3

LOGISTICS

- Participant Manual
- Facility
- Breaks/Lunch

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What is a Disability?

- A term used to describe a variety of physical & mental impairments.
- Includes such things as mental retardation, learning disabilities, deafness, blindness, just to name a few.

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What is a Disability?

- Different programs, agencies, laws & regulations sometimes use different definitions for eligibility purposes.
- A person may be eligible as a person with a disability under one program's definition & not be eligible under another program.

Developed by the Guam University Affiliated Program, August 1995 ◢ 1-6

What is a Disability?

An individual w/a disability is one who:

a. has a physical or mental impairment that substantially limits one or more major life activity;

b. has a record of such impairment;

c. is regarded by others as having such an impairment.

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Disability vs. Handicap

- Handicap is not another word for disability.
- A handicap is a barrier created by society which keeps a person from participating fully in an environment or life activity.

Developed by the Guam University Affiliated Program, August 1995 1-8

Attitudes & Values

- An attitude is a state of mind or feeling about something or someone.
- Attitudes aren't necessarily based in reality.
- Attitudes reflect upbringing & culture.
- Attitudes can be changed.

Developed by the Guam University Affiliated Program, August 1995 1-9

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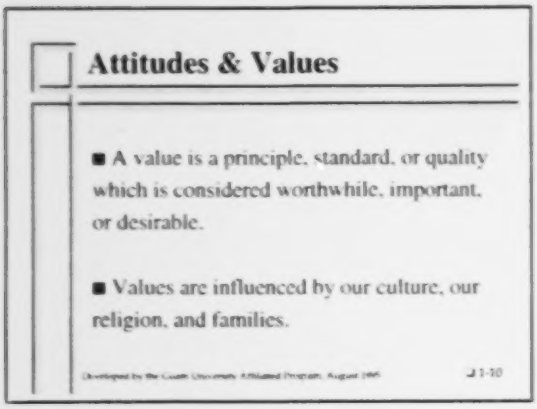
Attitudes & Values
■ A value is a principle, standard, or quality which is considered worthwhile, important, or desirable.
■ Values are influenced by our culture, our religion, and families.
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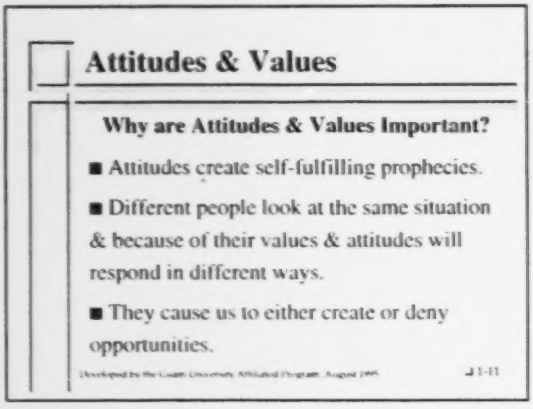
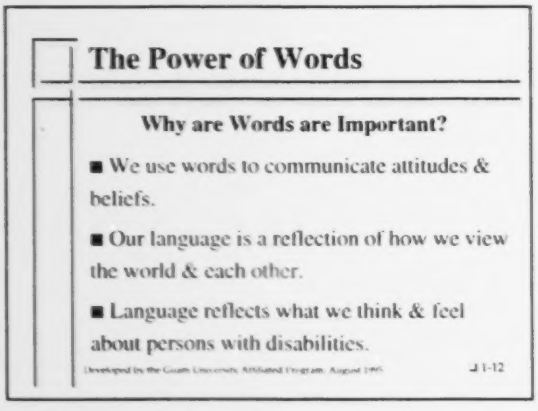
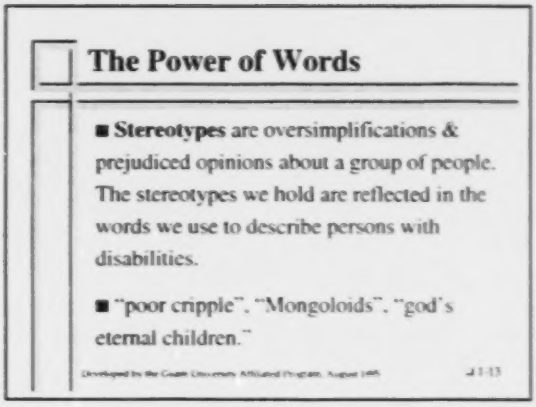
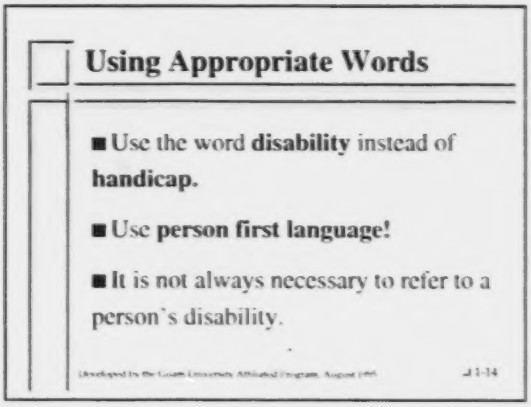
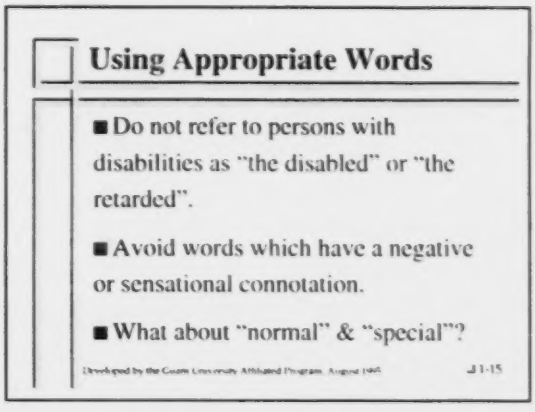
1-10


Attitudes & Values
Why are Attitudes & Values Important?
■ Attitudes create self-fulfilling prophecies.
■ Different people look at the same situation & because of their values & attitudes will respond in different ways.
■ They cause us to either create or deny opportunities.
Developed by the Coastt University Affiliated Program, August 1995
1-11


The Power of Words
Why are Words are Important?
■ We use words to communicate attitudes & beliefs.
■ Our language is a reflection of how we view the world & each other.
■ Language reflects what we think & feel about persons with disabilities.
Developed by the Coastt University Affiliated Program, August 1995
1-12


The Power of Words
■ **Stereotypes** are oversimplifications & prejudiced opinions about a group of people. The stereotypes we hold are reflected in the words we use to describe persons with disabilities.
■ "poor cripple", "Mongoloids", "god's eternal children."
Developed by the Coutts University Affiliated Program, August 1995
J 1-13


Using Appropriate Words
■ Use the word **disability** instead of **handicap.**
■ Use **person first language!**
■ It is not always necessary to refer to a person's disability.
Developed by the Coutts University Affiliated Program, August 1995
J 1-14


Using Appropriate Words
■ Do not refer to persons with disabilities as "the disabled" or "the retarded".
■ Avoid words which have a negative or sensational connotation.
■ What about "normal" & "special"?
Developed by the Coutts University Affiliated Program, August 1995
J 1-15

Overview of Disabilities

- Mental Retardation
- Learning Disabilities
- Visual Impairments
- Hearing Impairments
- Communication Disorders
- Mental Illness
- Autism
- Epilepsy
- Cerebral Palsy

Mental Retardation

- Persons with mental retardation have difficulty in learning and in social adaptation.
- They may experience difficulties in communication, social, academic,vocational, and independent living skills.

Mental Retardation

- Persons with mental retardation generally take longer to learn, require more practice and have difficulty remembering things.
- But, they **can** and **do** learn!

Mental Retardation

- Is not a disease.
- Is not the same as mental illness.
- Persons with mental retardation vary a great deal in their abilities. Mental retardation can be very mild or it can be very severe.

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Learning Disabilities

A term used to describe persons who have difficulty in one or more of the basic psychological processes. It is not the same as mental retardation. Person with learning disabilities have average or above average levels of intelligence.

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Learning Disabilities

People with learning disabilities may experience problems in listening, thinking, speaking, reading, writing, spelling, or math calculations.

Developed by the Guam University Affiliated Program, August 1995 J1-21

Learning Disabilities

- Persons with learning disabilities are a very diverse group.
- Learning disabilities can be mild, moderate or severe.
- Persons with learning disabilities can learn to accommodate to their disability

Epilepsy or Seizure Disorders

- A physical condition caused by changes in the electrical energy in the brain.
- These changes in electrical energy can result in changes in consciousness and motor activity.
- Epilepsy is not a disease.

Epilepsy or Seizure Disorders

- Most seizures can be controlled with medication.
- Persons with epilepsy are not brain damaged or mentally retarded.
- There are different types of seizures with different characteristics.

Epilepsy or Seizure Disorders

Characteristics of Different Types of Seizures

- Short periods of loss of consciousness
- Short periods of confused memory
- Blank stare-looks like daydreaming
- Involuntary movements

Epilepsy or Seizure Disorders

Characteristics of Different Types of Seizures

- Periods of inappropriate, repetitive, or purposeless activity.
- General & dramatic convulsion of entire body. Muscles stiffen, consciousness is lost, bowel and bladder control may be lost.

Cerebral Palsy

- A motor impairment caused by damage to the brain.
- Persons with cerebral palsy may appear more disabled than they actually are.
- Do not assume someone with cerebral palsy is also mentally retarded.

Cerebral Palsy

- Depending upon what part of the brain & how much of the CNS is affected a wide range of characteristics may be present.
- These include: spasms, poor muscle tone, involuntary movements, problems with posture, gait, mobility, and speech.

Visual Impairments

Visual impairments occur when there is a functional loss of vision.

- **Low vision or partially sighted:** used to describe mild to moderate impairments.
- **Legally blind:** used to describe severe impairment. Less than 20/200 in better eye & restricted field of vision.

Visual Impairments

- Many persons with visual impairments do not consider themselves to be disabled.
- Technology & assistive devices can enable and support persons with visual impairments to fully participate in all life activities.

Hearing Impairments

Hearing impairments occur when there is a functional loss of hearing.

- **Hard of hearing:** term used to describe persons who can hear some sounds and can benefit from use of a hearing aid. Persons who are hard of hearing generally use sounds & spoken language to communicate.

Developed by the Goals University Affiliated Program, August 1995 1-31

Hearing Impairments

- **Deaf:** a term used to describe persons who experience hearing losses of such severity or nature that, with or without use of a hearing aid, it prevents the use of sounds and/or speech as the primary mode of communication.

Developed by the Goals University Affiliated Program, August 1995 1-32

Hearing Impairments

- Many persons with hearing impairments do not consider themselves to be disabled.
- Persons with hearing impairments are a very diverse groups of individuals.
- Persons with hearing impairments use a variety of different modes of communication.

Developed by the Goals University Affiliated Program, August 1995 1-33

Hearing Impairments

Assistive devices support persons with hearing impairments participate fully in life activities.

- Teletypewriters (TYYs), Text Telephones (TTs) & Telecommunications Devices for Deaf People (TDDs)
- Telecommunication Relay Service (TRS)
- Signalling Devices

Communication Disorders

Speech & Langdage Impairments

- **Speech impairments:** difficulties in producing intelligible speech & problems with voice quality.
- **Language impairments:** difficulties in using and/or understanding spoken & written language.

Communication Disorders

- Communication disorders can range from mild to severe.
- Be aware of stereotypes: "drunk", "crazy", "mentally retarded".
- Technology and assistive devices can greatly expand opportunities.

Mental Illness

- Mental Illness is a term used to describe a wide range of disorders which involve a degree of impairment which interferes with participation in life activities.
- Schizophrenia, affective disorders, anxiety disorders, and substance abuse are all potentially disabling mental illness.

Developed by the Casath University Affiliated Program, August 1995

Mental Illness

- Mental illness affects persons of all ages, races, levels of intelligence & economic status.
- Mental illness does not mean the same as mentally retarded.
- Do not assume persons with mental illness are dangerous or destructive.

Developed by the Casath University Affiliated Program, August 1995

Mental Illness

- Most emotional and mental disorders can be effectively treated or controlled through psychotherapy, medication or combinations of treatments.
- Many persons with mental illness are able to participate in life activities when given appropriate treatments and supports.

Developed by the Casath University Affiliated Program, August 1995

Autism & PDD

Autism and **Pervasive Developmental Disorder (PDD)** are terms used to refer to two disabilities which share many of the same characteristics.

- Persons with autism and PDD usually exhibit characteristics by age 3.

Autism & PDD

Characteristics of Autism & PDD

- Problems with communication.
- Problems relating to other people, objects and life events.
- Difficulty in dealing with changes in routines and surroundings.

Autism & PDD

Characteristics of Autism & PDD

- Unusual patterns of behavior such as repetitive nonfunctional movements, unusual mannerisms and manipulation of objects.
- Some persons may also engage in self-injurious behaviors.

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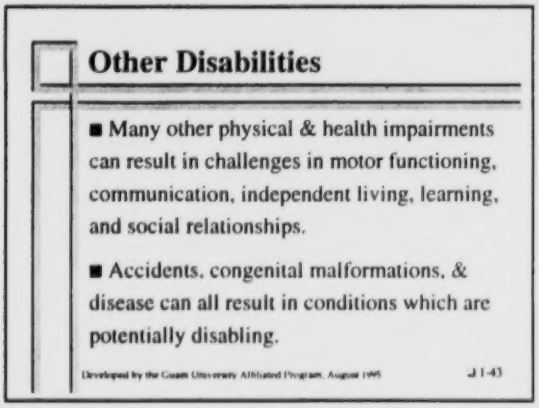
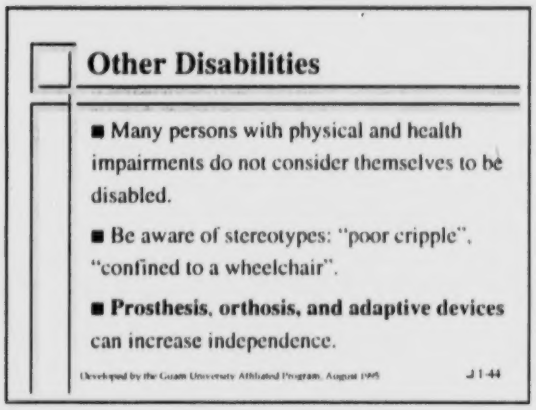

Other Disabilities
■ Many other physical & health impairments can result in challenges in motor functioning, communication, independent living, learning, and social relationships.
■ Accidents, congenital malformations, & disease can all result in conditions which are potentially disabling.
Developed by the Guam University Affiliated Program, August 1995
J 1-43


Other Disabilities
■ Many persons with physical and health impairments do not consider themselves to be disabled.
■ Be aware of stereotypes: "poor cripple", "confined to a wheelchair".
■ **Prosthesis, orthosis, and adaptive devices** can increase independence.
Developed by the Guam University Affiliated Program, August 1995
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Employment Power
Pre Workshop Awareness Survey

Directions: Answer each question either True or False.

1. When speaking to a person in a wheelchair it is OK to lean over and rest your hand on the chair to establish a more personal interaction.

2. A person with a disability may look like she needs assistance but may not want or need your help.

3. If someone is using a sign language interpreter, you should be sure to address your questions directly to the interpreter so that you can be sure they are appropriately communicated to the person who is deaf.

4. When having a conversation with someone who is blind you should be careful not to look directly at their eyes as you would if you were conversing with someone who is not blind.

5. When meeting a person who is blind you should introduce yourself even if the person has met you before.

6. In a meeting situation, most people who are blind would be grateful if you took hold of their arm and assisted in finding them a seat.

7. Most people feel uncomfortable around someone with a disability at first, but learn to tolerate the discomfort even though this feeling never really goes away.

8. If you are in a situation with a person with a disability and you think they may need assistance but are unsure, it is OK to ask the person if he would like assistance.

9. If a person has difficulty communicating, it is OK to finish her sentences as long as you have a good idea of what she is trying to say.

10. An adult with mental retardation should be treated like a child if that is the intellectual level at which she is functioning.

Employment Power

Attitudes/Values & Their Effects

Directions. Brainstorm local attitudes, beliefs, and values towards persons with disabilities. List these below. After completing the list, go back and consider what effects having each of these attitudes, beliefs and values might have on the lives of persons with disabilities. Write the potential effect next to the belief. Now review the list and circle those beliefs, attitudes and values which need to be changed if persons with disabilities are to participate more fully in Guam's workforce.

Attitudes/Values	**Effects**

Employment Power
Choosing Appropriate Words

Directions. For each statement appearing on the left, choose more appropriate words to describe the situation or individual.

Words Which Perpetuate Separateness, Negative Images & Stereotypes	**Words Which Show Respect, Dignity & Inclusion**
1. the blind	1._____
2. cripple	2._____
3. confined to a wheelchair	3._____
4. Down's person	4._____
5. victim of cerebral palsy	5._____
6. normal person	6._____
7. mentally handicapped	7._____
8. the retarded	8._____
9. stricken with muscular dystrophy	9._____
10. dumb/mute	10._____

Disability Overview

Mental Retardation

1. People with mental retardation have difficulty in learning and social adaptation. They may experience difficulties in communication, social, academic, vocational, and independent living skills.

2. People with mental retardation usually score 70 or below on IQ tests.

3. Approximately 1-3% of the general population is estimated to have mental retardation.

4. People with mental retardation generally take longer to learn and require more practice. They may also have difficulty remembering what they have learned.

5. People with mental retardation **can** and **do** learn and develop! They do not stay "eternal children". Some persons with mental retardation drive cars, vote, and marry among other life activities.

6. Mental retardation is not the same as mental illness. It is not a disease. It is not communicable.

7. People with mental retardation vary in their abilities just as people without mental retardation do. Mental retardation can be very mild and have only minimal impact upon a persons functional abilities or it can be very severe, or anywhere in between.

Disability Overview

Learning Disabilities

1. The term learning disabilities is used to refer to people who have difficulty in one or more of the basic psychological processes.

2. It is not the same as mental retardation.

3. People with learning disabilities are generally of average intelligence or higher.

4. There are many different estimates for the prevalence of learning disabilities. Commonly used estimates fall into the range of 4-10%. It is the most common disability of children receiving special education services in schools.

5. Persons with learning disabilities may experience problems in listening, thinking, speaking, reading, writing, spelling, or math calculations.

6. The term learning disabilities is all embracing. People with learning disabilities are an extremely diverse group who share the challenge of not learning in the same ways or as efficiently as persons who do not have learning disabilities.

7. Learning disabilities may be mild, moderate or severe.

8. People with learning disabilities may learn ways to compensate for their disability. When special approaches and accommodations are made they can achieve and fully participate in all life activities.

Disability Overview

Epilepsy/Seizure Disorders

1. Epilepsy or seizure disorder is a physical condition caused by changes in the electrical energy in the brain.

2. The changes in the activity of the brain causes physical changes that may include: changes in consciousness and motor movements.

3. Epilepsy is not a disease and it is not communicable.

4. Most people with epilepsy are able to control their seizures through medication.

5. Most people with epilepsy are not brain damaged or mentally retarded. Between seizures their brains function normally.

6. There are different kinds of seizures and depending upon the type of seizure the person will exhibit different behaviors and physical changes.

7. Characteristics of Different Types of Seizures:

-Short periods of loss of consciousness or blackouts

-Short periods of confused memory

-A blank stare, the appearance of daydreaming, or unexplained unresponsiveness

-Involuntary movement of arms or legs

-Period of inappropriate, repetitive, or purposeless activity/movement

-General and dramatic convulsion of the entire body:
  -muscles stiffen
  -consciousness is lost
  -bowel and bladder control may be lost

Disability Overview

Cerebral Palsy

1. Cerebral Palsy is an motor impairment caused by damage to the brain.

2. Persons with cerebral palsy have an inability to fully control their motor responses. They may have difficulties with movement, speech, posture, and coordination.

3. People with cerebral palsy may appear to be more disabled than they actually are, so appearance is not a good indicator of their abilities.

4. Do not assume because someone has cerebral palsy that they also have mental retardation.

5. Depending upon the part of the brain that is damaged and how much of the central nervous system is affected, a wide range of characteristics may be experienced. These include:

-seizures
-spasms
-problems with muscle tone
-involuntary movements
-problems with gait and mobility
-abnormal sensations and perception
-impairment of sight, hearing and or speech
-mental retardation

6. Cerebral palsy is not a disease and is not communicable.

7. Advanced technology and the use of assistive devices can support people with cerebral palsy in participating more fully in major life activities.

Disability Overview

Visual Impairments

1. Visual impairments occur when their is a functional loss of vision. The following terms are often used to describe visual impairments:

> **-Low vision** or **partially sighted** are terms used to describe mild to moderate visual impairments. People who have low vision may use vision to learn in conjunction with their other senses, but may require adaptations and supports such as special lighting, large print, or Braille.
>
> **-Legally blind** is a term used to describe severe visual impairments and indicates that a person has less than 20/200 vision in his or her better eye or a very restricted field of vision. Totally blind persons can learn using Braille, their other senses and through non-visual media.

2. Many persons with visual impairments do not consider themselves to be disabled. Many individuals who are visually impaired and blind are very mobile and independent.

3. Technology and assistive devices can enable and support persons with visual impairments to participate fully in major life activities.

4. Persons with visual impairments learn to move around independently through mobility and orientation training. They may use a cane that makes a sound and provides for the use of touch to know when stairs or doors are reached. Some people with severe visual impairments use guide dogs to assist with mobility. And, in some instances they may need the assistance of another person.

5. Individuals who are blind may use Braille, but the majority do not.

Disability Overview

Hearing Impairments

1. Hearing Impairments occur when there is a functional loss of hearing and can range in severity from mild to profound.

Hard of Hearing is used to describe persons who can hear some sounds and who may benefit from use of a hearing aid. Persons who are hard of hearing generally can use sounds and spoken language to learn and communicate.

Deaf is used to describe persons who experience hearing impairments that are so severe or of such a nature, with or without a hearing aid, that it prevents the use of sounds and/or speech to learn and communicate.

2. Hearing Impairments can be present at birth or develop anytime throughout the life span. In general, the earlier in life the loss occurs the more disabling it is likely to be. There are many causes of hearing impairments, including: heredity, accidents, illness, prolonged exposure to loud sounds, and drugs.

3. Many people with hearing impairments do not consider themselves to be disabled.

4. Persons with hearing impairments use a variety of different modes of communication. Some people can effectively use oral language, some use a combination of oral language and speechreading; others reply almost exclusively on manual systems of communication known as sign language.

5. Hearing aids can benefit some persons with hearing impairments, but not all. Hearing aids amplify sound, they do not correct distortions in sound.

6. Technology, assistive devices and supports can enable and support persons with hearing impairments to participate fully in major life activities.

Teletypewriters (TTYs) Text Telephones (TTs) and Telecommunications Devices for Deaf People (TDDs) are mechanical/electronic devices which enable people to type phone messages over the telephone network.

Telecommunications Relay Service (TRS) is a service provided by Guam Telephone Authority (GTA). It is available 24 hours a day, seven days a week. Specially trained operators relay typed communications from TYY users to other parties, as well as relaying spoken communications via text to TYY users.

Signaling Devices add a flashing and/or vibrating signal to existing auditory signals such as doorbells, telephone ringers, alarm clocks, and smoke detectors.

Disability Overview

Communication Disorders

1. Communication disorders include speech and language impairments.

> **-Speech impairments** refer to difficulties in producing intelligible speech and problems with voice quality. Persons with speech impairments experience difficulty in communication because listeners may not always understand what they are trying to say.
>
> **-Language impairments** refer to difficulties in the ability to use and/or understand spoken and/or written language. Persons with language impairments may use improper words, have difficulty expressing their ideas, use a restricted vocabulary, and/or have problems following directions.

2. Communication disorders can range from very mild to severe.

3. Causes of communication disorders include hearing impairments, brain injury, mental retardation, physical impairments, and neurological disorders. And, in many cases the cause is unknown.

4. Even though some persons with communication disorders also experience mental retardation or other disabilities, it is important to realize that many persons with communication disorders do not experience any intellectual, physical or emotional impairments.

5. Persons with communication disorders can experience difficulty in social relationships. People sometimes treat individuals with communication challenges as if they were drunk. In public places they are sometimes avoided and ignored.

6. Technology and assistive devices have greatly expanded the communication options for persons with communication disorders.

Disability Overview

Mental Illness

1. Mental Illness is a term that is used to describe a wide range of disorders which involve a degree of impairment that interferes with participation in life activities.

2. Schizophrenia, affective disorders (including depression and manic-depressive illness/bipolar disorders), anxiety disorders (including phobias, anxiety states, post-traumatic stress disorder and obsessive-compulsive behaviors), and substance abuse are all kinds of potentially disabling mental illness.

3. Anyone can develop emotional problems. Mental illness affects persons of all ages, races and economic status. Generally persons with mental illness are not mentally retarded. Mental illness can affect persons of low, average or high levels of intelligence.

4. There are many causes of mental illness including chemical imbalances in the brain and hormonal system, heredity, trauma, exposure to high levels of stress, and childhood events. In many cases the cause remains unknown.

5. Just because someone experiences mental illness does not mean she or he is necessarily dangerous or destructive.

6. Most emotional and mental disorders can be effectively treated or controlled through psychotherapy, medication and combinations of treatments.

-Medications relieve acute symptoms of schizophrenia in 80 percent of cases.

-Approximately 70% of persons who are treated for depressive disorders respond to psychotherapy, medication or some combination of treatments.

7. Many persons who experience mental illness are able to work, raise families and participate in community life with appropriate treatments and supports.

Disability Overview

Autism and Pervasive Developmental Disorder

1. Autism and Pervasive Developmental Disorder (PDD) are terms used to refer to two disabilities which share many of the same characteristics.

2. Persons with autism and PDD usually exhibit characteristics of these disabilities by age 3.

3. Characteristics of autism and PDD include:

-Problems with communication. Speech may be absent or limited to a few words. Some persons with autism and PDD have echolalic speech, meaning they echo or repeat words that they hear.

-Problems relating to other people, objects and life events

-Difficulty dealing with changes in routine and surroundings

-Unusual patterns of behavior such as engaging in non-functional repetitive movements and unusual mannerisms and manipulation of objects

-Some persons may also engage in self-injurious behaviors

4. The causes of autism and PDD are unknown. Theories include neurological damage and biochemical imbalances in the brain. It is not caused by psychological factors.

5. Persons with autism and PDD vary greatly in their levels of intelligence, behaviors and abilities. Some individuals with autism and PDD have exceptional abilities in math, memory, music, art and other areas.

Disability Overview

Other Disabilities

1. There is a tremendous range and variety of physical and health impairments that can result in challenges in motor functioning, communication, learning and/or social interactions. These include cerebral palsy, epilepsy, muscular dystrophy, spina bifida and numerous others.

2. Accidents, disease, and congenital malformations can all results in conditions which are disabling.

3. Physical disabilities range from mild and transitory, to severe and progressive.

4. Many persons with physical and health impairments do not consider themselves to be disabled. Be aware of perpetuating stereotypes such as "poor cripple" or "confined to a wheelchair."

5. Technology can often minimize the disabling effects of some physical disabilities:

-**prosthetics** (artificial replacement for missing body parts),
-**orthosis** (a device that enhances the partial function of a part of the body such as a brace), and
-other **adaptive devices** (special eating utensils, head pointers etc.)

Interacting with Persons with Disabilities

General Considerations

1. **Persons with disabilities are people first.** Do not just focus on how they are different from you. Realize that we all have many things in common, including the right to be treated with dignity, respect and consideration.

2. Always treat persons with disabilities in an age appropriate manner. This means treating adults like adults and showing the same kinds of courtesies and respect you would to an adult who is not disabled.

> For example, if you are in a situation where you would not normally address a nondisabled adult by his/her first name you should also not address a person with a disability by his/her first name.

3. Never patronize persons with disabilities. Don't pat people on the head or arm, or address them condescendingly.

4. If you are uncomfortable around someone with a disability because you are unsure of how to act or communicate, relax. Remember persons with disabilities are people first. Try putting yourself in the other person's shoes. How would you like to be treated?

5. If you are unsure of whether to assist someone or not, ask. If the person wants your assistance, ask how you can best support them and then follow their directions. If they do not want help, respect their decision.

6. Some persons with disabilities have personal assistants who accompany them in certain situations. In these cases, you should always address the person with the disability directly. Don't speak through the assistant.

Interacting with Persons with Disabilities

Physical & Health Impairments

1. It is important to remember that you cannot tell what a person can or cannot do based on his or her outward appearance. Persons with disabilities are the best judge of their capabilities.

2. Persons with physical disabilities and health impairments often access life activities through mobility and communication aids. These should be respected as part of the individual's personal space. Do not touch or move these aids without permission.

3. If you are unsure of whether a person with a physical disability needs assistance, ask. Do not just rush in and provide assistance without permission. Do use common sense and assist in creating accessibility if it is obvious that it is needed.

4. When interacting with someone for more than a few minutes who is using a wheelchair, it is best if you can seat yourself so that you can both be at the same level.

5. If you encounter a person who is having a seizure follow these guidelines:

- Do not try to "stop" the seizure. If the person is convulsing do not try to hold him/her down. If possible, place something soft under the person's head.

- Clear the immediate area so that the person will not be harmed. Clear the area of bystanders.

- Do not try to put something in the person's mouth. The tongue will not be swallowed.

- Let the seizure run its course. After it has stopped check to make sure the person is breathing sufficiently. If breathing is inadequate, apply standard first aid procedures.

- When the person resumes consciousness either allow the person to rest or seek medical attention depending upon the circumstances. Persons who have never had a seizure before, who have sustained injuries, or who ask for medical attention should be evaluated by a physician.

Interacting with Persons with Disabilities

Visual Impairments

1. When interacting with persons with visual impairments it is important to remember that you may need to provide verbal information that is obvious to persons who can see.

2. Introduce yourself when you approach a person who is blind. If you are interacting with someone who is blind and a new person joins you be sure to introduce the new person.

3. Be very descriptive and precise in giving directions. For example it would be meaningless to tell a blind person that the elevator is "over there". Instead you might say, "the elevator is straight ahead after four office doors." It may be helpful to use clock cues such as the door is at 3:00.

4. In work situations and other situations where it may be relevant, verbally inform persons who are visually impaired of information that is posted on bulletin boards etc.

5. It is OK to ask someone if he or she would like assistance and how they would like the assistance provided. In general, to assist a person who is blind you should allow them to take your arm rather than you taking theirs. Let them control their own movements. When assisting, be sure to describe the area as you move.

6. If a person has a guide dog, do not pet or distract the animal without the owner's permission. It might be helpful if you think of the dog as "working" for the person rather than as a pet.

Interacting with Persons with Disabilities

Hearing Impairments

1. When interacting with a person with a hearing impairment it is important to find out how the person prefers to communicate.

2. When communicating through an interpreter, be sure to address the person with the hearing impairment directly. Do not talk "to" the interpreter. You should do this even though the person will not be making eye contact with you. S/he will be looking at the interpreter.

3. Also when communicating through an interpreter, the interpreter may be a few words behind you. This is especially true if you are using technical terms that need to be fingerspelled. You should still use the technical terms, but occasionally pause so the interpreter can completely translate what you are saying.

4. Remember when talking to persons with hearing impairments, it is important that you position yourself so that your face can be clearly seen by the person you are addressing. Speak in a normal tone and volume. Do not exaggerate words. Do not shout. Do not talk with your back to the person or while walking away.

5. If the person is speechreading it is best if you face into the light and keep your hands and other objects away from your mouth.

6. Before you begin a communication with a person with a visual impairment, gain their attention by a wave, a light touch on the shoulder or other appropriate tactile signal.

7. Remember the goal is good communication. If you are unsure if the person understood you it is OK to clarify. Or if you do not understand something that was said, ask the person to repeat it or write it down.

Interacting with Persons with Disabilities

Communication Disorders
(Speech & Language Impairments)

1. Communicate to persons with speech impairments just as you would with anyone else. Use age appropriate language. Use your regular tone of voice.

2. Be patient and attentive. Do not interrupt. Give the person time to complete his/her communication. Do not finish the person's sentences for him/her, even if you have a good idea of what they are trying to say.

3. If you are in a situation where there are alot of distractions, you may need to move to a quieter location. You should make this decision **with** the person, **not for** him/her.

4. If the person has a language impairment and you are having difficulty communicating try using concrete rather than abstract words. Keep sentences short and precise without being condescending.

5. Remember the goal is good communication. If you are unsure if the person understood you, it is OK to clarify. Or if you do not understand something that was said, ask the person to repeat it, tell you in a different way, or write it down.

Interacting with Persons with Disabilities

Cognitive/Learning Disabilities

1. Remember that persons with cognitive and learning disabilities are a very diverse group with a wide range of intellectual functioning and abilities. Expect "normal" behavior. Do not pay attention to behavior that is age inappropriate.

2. Treat persons with cognitive & learning disabilities in an age appropriate manner. This means that when interacting with adults you should treat them as adults not children regardless of the level of their cognitive functioning.

3. When communicating with a persons with cognitive disabilities pay attention to how they respond so that you can adjust your communication if necessary. You may need to use shorter sentences, more concrete words, or supplement communication with gestures.

4. Use language that is clear and precise without being so simplistic that it is insulting or age inappropriate to the individual.

5. Be aware that some persons with cognitive and learning disabilities may need to have directions repeated. They may need assistance in remembering things. And, they may benefit from seeing something done before they are expected to do it themselves.

6. Some persons with certain types of learning impairments may become "overloaded" if too much information is presented at a time, if there are too many words on a page, or is there is too much background stimulation (noise and activities). They may be easily distracted when communicating and appear rude when actually they are just distracted. In these situations, you might try providing information in discrete units, adapting written instructions to simpler and fewer words on a page, and/or reducing the distractions in the environment.

Overview of Laws & Regulations

Employment Power

Module Two

Overview of Laws & Regulations

Developed by the Guam University Affiliated Program, August 1995 2-1

Employment Power

Purpose

- To provide an overview of federal & local laws related to employment & persons with disabilities.
- To familiarize you with Title I of the Americans with Disabilities Act.

Developed by the Guam University Affiliated Program, August 1995 2-2

Employment Power

Topics

- Discrimination
- Federal Laws & Employment
- Title I of the ADA
- Guam Laws & Employment

Developed by the Guam University Affiliated Program, August 1995 2-3

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Discrimination

- U.S. Constitution upholds the value of **equality** for all citizens.
- All persons have the right to enjoy **equal opportunity & equal protection**.
- **Persons with disabilities have not experienced equal opportunity due to discrimination**.

Developed by the Guam University Affiliated Program, August 1995 2-4

Discrimination

- Persons with disabilities have experienced unequal treatment in virtually all areas of life.
- Discrimination occurs in education, communications, transportation, housing, participation in community life & employment.

Developed by the Guam University Affiliated Program, August 1995 2-5

Discrimination

Discrimination Results From Attitudes & Barriers

Developed by the Guam University Affiliated Program, August 1995 2-6

Discrimination

Attitudes & Discrimination

Discrimination results when people hold **attitudes** based on **preconceived ideas** that **overemphasize** the **disability** and **exclude** consideration of the person's **other qualities**.

Developed by the Guam University Affiliated Program, August 1995 2-7

Discrimination

Barriers & Discrimination

- **Physical** barriers create discrimination.
  Examples: stairs, curbs, narrow aisles
- **Social** barriers create discrimination.
  Example: lack alternative formats for communication

Developed by the Guam University Affiliated Program, August 1995 2-8

Discrimination

- Historically other groups of citizens have experienced discrimination.
- Through the efforts of the civil rights movement & group lobbying many discriminatory policies/practices have been prohibited through legislation.

Developed by the Guam University Affiliated Program, August 1995 2-9

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Discrimination

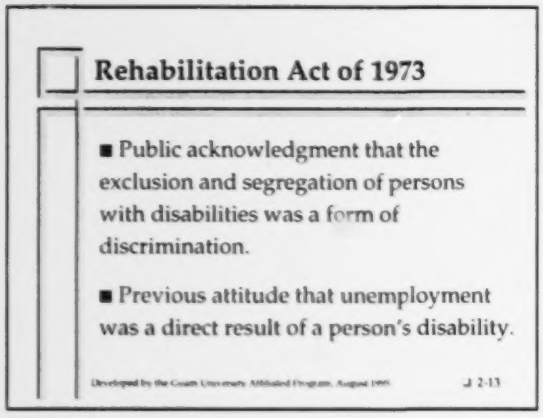
Building on major civil rights laws of the 1950's and 1960's, the Congress has passed several key laws which address discrimination against persons with disabilities.

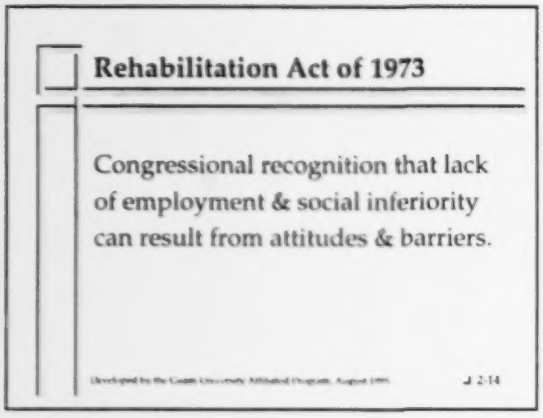
Employment Power

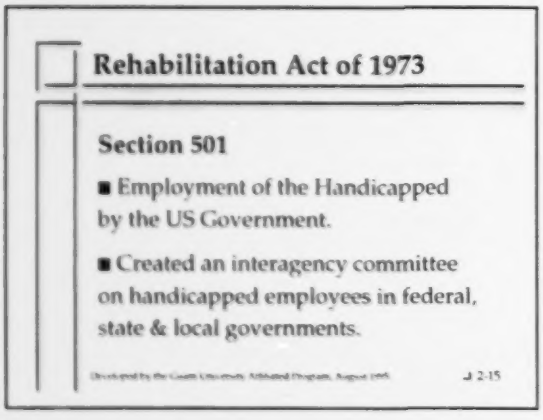
Overview of Federal Laws Addressing Employment & Persons with Disabilities

Civil Rights Act of 1964

- This Act laid the foundation for subsequent legislation and created the EEOC or Equal Employment Opportunity Commission.
- The EEOC is the agency tasked with implementing the Americans with Disabilities Act.


Rehabilitation Act of 1973
■ Public acknowledgment that the exclusion and segregation of persons with disabilities was a form of discrimination.
■ Previous attitude that unemployment was a direct result of a person's disability.
2-13


Rehabilitation Act of 1973
Congressional recognition that lack of employment & social inferiority can result from attitudes & barriers.
2-14


Rehabilitation Act of 1973
Section 501
■ Employment of the Handicapped by the US Government.
■ Created an interagency committee on handicapped employees in federal, state & local governments.
2-15

Rehabilitation Act of 1973

Section 503

- Employment under federal contracts.
- Recipients of federal grants greater than $2,500 must develop and implement affirmative action programs to hire & promote qualified persons with disabilities.

Rehabilitation Act of 1973

Section 504

- Prohibited agencies & programs receiving federal grants from discriminating against persons with disabilities in the areas of education, employment, accessibility, and health, welfare & social services.

Amendments of 1978

Rehabilitation, Comprehensive Services & Developmental Disabilities Amendments

- Amended earlier legislation.
- Provided for comprehensive services, including employment for persons with severe disabilities.
- Included non-employment provisions.

Developmental Disabilities Act

- Passed in 1984.
- Established concept of supported employment and included work as a key area for the development of goals in individual habilitation plans.

Americans with Disabilities Act

- Passed in 1990.
- Landmark civil rights legislation.
- The ADA parallels the Civil Rights Act of 1964 protecting persons with disabilities from discrimination in much the same way as other minorities and women are protected.

Americans with Disabilities Act

Prohibits discrimination in public accommodations, employment, public services, transportation and telecommunications.

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Title I of the ADA

- **Title I** covers nondiscrimination in **employment**.
- Requires two things of employers:
  1. nondiscrimination in **all** employment practices, &
  2. **reasonable accommodation**, to ensure equal opportunity.

Developed by the Guam University Affiliated Program, August 1995 2-22

Title I of the ADA

Nondiscrimination Requirement

- Similar to other civil rights laws in its approach to discrimination & equality.
- People in like circumstances are to be treated the same.
- Based on concept that differences should be irrelevant.

Developed by the Guam University Affiliated Program, August 1995 2-23

Title I of the ADA

Nondiscrimination Requirement

- A strictly traditional approach to non-discrimination tends to exclude persons with disabilities. Their differences are often very relevant to whether or not they will have the opportunity to participate on an equal basis.

Developed by the Guam University Affiliated Program, August 1995 2-24

Title I of the ADA

Reasonable Accommodation

- In the ADA this problem is addressed through **reasonable accommodation.**
- In recognition that accessibility and adaptations may be necessary for an individual to truly experience equal opportunity.

Developed by the Guam University Affiliated Program, August 1995 2-25

Title I of the ADA

Who Must Comply with Title I?

- All private employers, state and local governments, employment agencies, labor unions, & labor/management committees. And, others who act for an employer.
- Religious organizations.

Developed by the Guam University Affiliated Program, August 1995 2-26

Title I of the ADA

Employment Practices Covered

- Discrimination is prohibited in virtually **all** employment practices.
- Included are practices, terms, conditions & privileges of employment.

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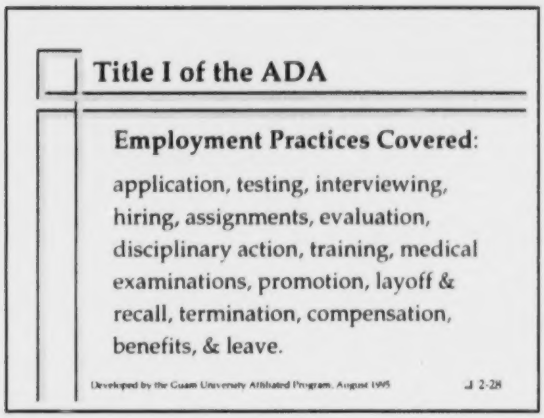
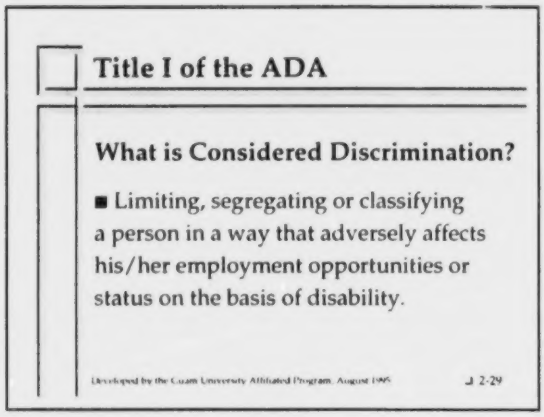
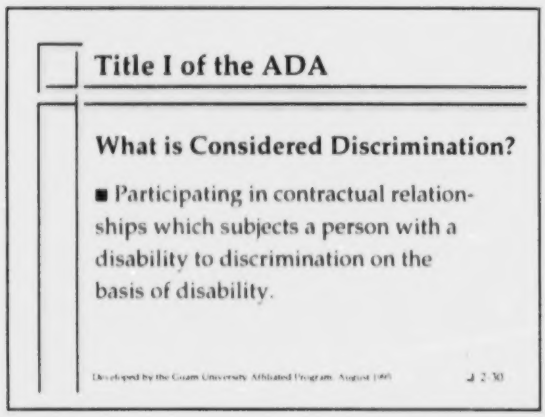

Title I of the ADA
Employment Practices Covered:
application, testing, interviewing, hiring, assignments, evaluation, disciplinary action, training, medical examinations, promotion, layoff & recall, termination, compensation, benefits, & leave.
Developed by the Guam University Affiliated Program, August 1995
2-28


Title I of the ADA
What is Considered Discrimination?
■ Limiting, segregating or classifying a person in a way that adversely affects his/her employment opportunities or status on the basis of disability.
Developed by the Guam University Affiliated Program, August 1995
2-29


Title I of the ADA
What is Considered Discrimination?
■ Participating in contractual relationships which subjects a person with a disability to discrimination on the basis of disability.
Developed by the Guam University Affiliated Program, August 1995
2-30

Title I of the ADA

What is Considered Discrimination?

- Denying employment to a qualified person because they associate with, or have relationship with, a person with a disability.
- Refusing to make reasonable accommodation.

Developed by the Guam University Affiliated Program, August 1995 2-31

Title I of the ADA

What is Considered Discrimination?

- Retaliating against an employee with a disability for filing a complaint, or for participating in an investigation of noncompliance under Title I.

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Title I of the ADA

What is Considered Discrimination?

- Using medical examinations & inquiries to determine whether or not a person has a disability, or to obtain information about the nature or severity of a person's disability.

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Who is Protected by Title I?

"Qualified Individuals with Disabilities"

- A **person with a disability** who **meets** the skill, experience, education and other **job related qualifications**, and
- who, with or without **reasonable accommodation, can perform** the **essential functions** of the job.

Developed by the Guam University Affiliated Program, August 1995 J 2-34

Qualified Individuals

A Person Who:

- A. has a physical or mental impairment that substantially limits one or more of the major life activities;
- B. has a record of such an impairment; or
- C. is regarded by others as having such an impairment.

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Qualified Individuals

Definitions

Physical or mental impairment:

- physiological disorders & conditions, cosmetic disfigurement, anatomical loss,
- mental or psychological disorders & conditions such as mental retardation, mental illness & learning disabilities.

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Qualified Individuals w/Disabilities

Physical or Mental Impairment Includes:

alcoholism and drug abuse, cerebral palsy, HIV and AIDS, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes and other conditions.

Qualified Individuals

Does Not Include:

minor complaints, simple physical characteristics, sexual behavior disorders, environmental or cultural disadvantages, current illegal use of drugs, transvestism, homosexuality, compulsive gambling, kleptomania, pyromania.

Qualified Individuals

Definitions

Major Life Activities Means:

seeing, hearing, speaking, breathing, walking, learning, working, caring for oneself.

Qualified Individuals

Substantially Limits Means:

- unable to perform a major life activity that an "average"person in the general population can perform, or
- significantly restricted in performing a major life activity as compared to an "average" person in society.

Essential Functions

Essential Functions are primary job duties that are fundamental to the employment position.

Essential Functions

A function is essential if:

- the job exists to perform the function;
- a limited number of employees are available to perform the function; or
- it requires a highly specialized or technical skill.

Essential Functions

Determining Factors

- the employer's judgment;
- written job descriptions which identify essential functions;
- time spent on the function;
- the consequences of not requiring the individual to perform the function;

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Essential Functions

Determining Factors

- the experience of persons currently performing similar jobs;
- the terms of a collective bargaining agreement; and
- experience of persons who have performed the job in the past.

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Reasonable Accommodation

Reasonable accommodation is a modification or adaptation in a job's duties or structure, or in the workplace, which allows a qualified person with a disability to perform the job.

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Reasonable Accommodation

- Accommodations are individualized & determined case-by-case.
- Accommodations are designed around the person with the disability & the essential functions of the job.

Reasonable Accommodation

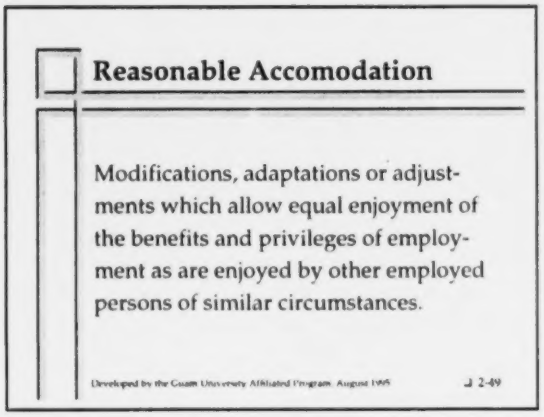
Includes modifications, adaptations or adjustments to the:

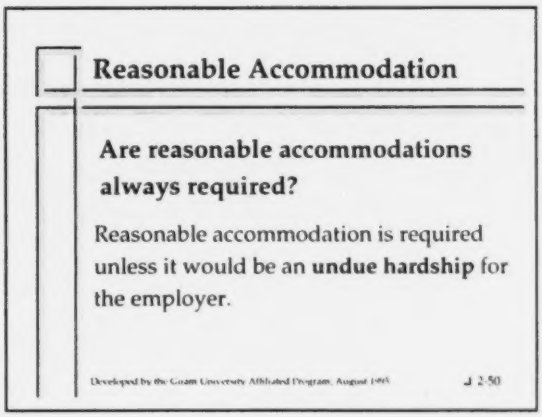
- job, or
- application process to enable a person with a disability to be considered for a position.

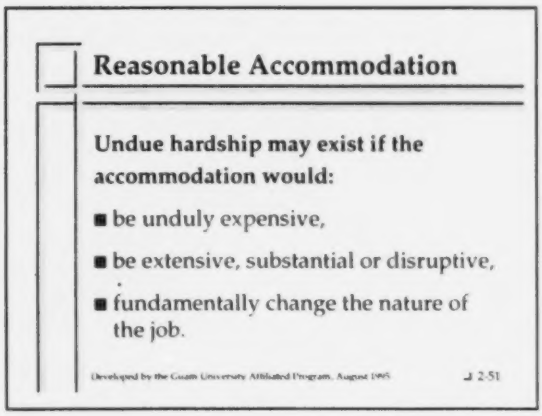
Reasonable Accommodation

Includes:

Modifications, adaptations or adjustments to the work environment or the manner in which the job is typically performed which enable a person with a disability to perform the essential functions of the job.


Reasonable Accomodation
Modifications, adaptations or adjustments which allow equal enjoyment of the benefits and privileges of employment as are enjoyed by other employed persons of similar circumstances.
Developed by the Guam University Affiliated Program, August 1995
2-49


Reasonable Accommodation
Are reasonable accommodations always required?
Reasonable accommodation is required unless it would be an undue hardship for the employer.
Developed by the Guam University Affiliated Program, August 1995
2-50


Reasonable Accommodation
Undue hardship may exist if the accommodation would:
be unduly expensive,
be extensive, substantial or disruptive,
fundamentally change the nature of the job.
Developed by the Guam University Affiliated Program, August 1995
2-51

Undue Hardship

- Undue hardship is determined case-by-case.
- It is determined by comparing the nature & cost of the accommodation to the employer's resources, operation, & impact the accommodation would have on the business as a whole.

What About Exams & Inquiries

The ADA does not prohibit all pre-employment and employment exams and inquires, but some situations are directly addressed in the law.

Exams & Inquiries

Situations Addressed by the ADA:

- An employer may not ask an applicant about the existence, nature, or severity of a disability.
- An applicant can be asked about his/her ability to perform the specific duties of the position.

Exams & Inquiries

- An employer may not make medical inquiries or conduct medical exams until after a job offer has been made.
- An employer may establish standards for safety or security reasons if they are applied to all employees who are in similar jobs.

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Exams & Inquiries

- An employer may ask the applicants who need reasonable accommodation in testing to inform them & document the need prior to the test.
- Employers may require job-related inquires & exams consistent with business necessity.

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Confidentiality of Information

- Any information obtained by an employer must be kept confidential.
- Information may be shared only on a limited basis with supervisors, managers, first aid and safety personnel.
- Information may also be shared with officials investigating compliance.

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Employer Defenses

- Undue Hardship
- Conflict with Other Federal Laws
- Communicable Diseases
- Drug & Alcohol Abuse

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Enforcement of Title I

- U.S.. Equal Employment Opportunity Commission (EEOC) is responsible.
- Complaints may be filed with the EEOC or designated state human rights agency.
- On Guam complaints can be filed with the DOL or Civil Service Commission.

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Local Legistlation PL 21-46

Handicapable Employment Act

- Enacted in 1991.
- Applies to Government of Guam only.
- 700 Hour Program.
- Coordinated by DOA & all autonomous and semi-autonomous agencies.

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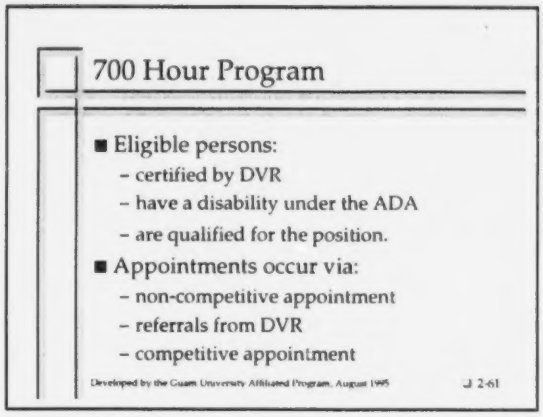

700 Hour Program
■ Eligible persons:
– certified by DVR
– have a disability under the ADA
– are qualified for the position.
■ Appointments occur via:
– non-competitive appointment
– referrals from DVR
– competitive appointment
Developed by the Guam University Affiliated Program, August 1995
2-61

Discrimination in Employment
Attitudes & Barriers

Directions: List at least 10 examples of how persons with disabilities might be discriminated against in employment situations. Then decide if the discrimination results from of an **attitude** or a **barrier.** Put an "**A**" after the examples that are the result of attitudes, and a "**B**" after those that are the result of barriers.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Americans with Disabilities Act
Title I Fact Sheet

Who Must Comply with Title I of the ADA?

1. All private employers, state and local governments, employment agencies, labor unions, and joint labor management committees.

2. Others who act for an employer such as managers, foremen, supervisors, and agencies used to conduct background checks on employment candidates. It is the employer who is ultimately responsible for the actions of these individuals in complying with the law.

3. Religious organizations are also covered. They may however give employment preference to individuals of their own organization.

What Employment Practices are Covered?

1. Virtually all employment practices are covered. Included are practices and terms, conditions and privileges of employment such as:

-application	-testing	-interviewing
-hiring	-assignments	-evaluation
-disciplinary action	-training	-promotion
-medical examinations	-layoff/recall	-termination
-compensation	-benefits	-leave

2. Actions that would be considered discrimination are:

a. limiting, segregating or classifying an individual in a way that adversely affects his or her employment opportunities or status on the basis of disability;

b. participating in contractual relationships which subject and individual with a disability to discrimination on the basis of disability; and/or

c. denying employment to a qualified person who associates with or has a relationship with a person with a disability.

Americans with Disabilities Act
Title I Fact Sheet

Other Actions that would be considered discrimination:

d. refusing to make reasonable accommodations unless it would constitute an undue hardship;

e. retaliating against an employee with a disability for filing a complaint or participating in an investigation or abuses under Title I provisions;

f. using qualification criteria which screen out persons with disabilities on the basis of their disability unless they are job-related;

g. failing to administer tests in a manner that measure actual job-related abilities and make needed accommodations in testing procedures; and/or

h. using medical examinations and inquiries to determine whether or not an individual has a disability, or to obtain information about the nature or severity of a disability.

Who is Protected by Title I of the ADA?

1. **"Qualified Individuals with Disabilities"** A person with a disability who meets the skill, experience, education and other job-related qualifications of a job (held or desired), and who with or without reasonable accommodation can perform the essential functions of the job.

2. An individual with a disability is a person who:

A. has a physical or mental impairment that substantially limits one or more of the major life activities;

B. has a record of such an impairment; or

C. is regarded by others as having such an impairment.

Americans with Disabilities Act
Title I Fact Sheet

Definitions:

Physical or mental impairment includes:

1. physiological disorders and conditions, cosmetic disfigurement, or anatomical loss and

2. mental or psychological disorders and conditions such as mental retardation, mental illness and learning disabilities.

Includes: alcoholism and drug abuse (only persons not currently using illegal drugs), cerebral palsy, muscular dystrophy, multiple sclerosis, HIV and AIDs, cancer, heart disease, diabetes and other conditions.

Physical or mental impairment does not include: minor or trivial complaints, simple physical characteristics, environmental or cultural disadvantages, current illegal use of drugs, transvestism, homosexuality, sexual behavior disorders, compulsive gambling, kleptomania, and pyromania.

Major Life Activities include:

- seeing
- hearing
- speaking
- breathing
- walking
- learning
- working
- caring for oneself

Substantially Limits means:

1. Unable to perform a major life activity that an "average" person in the general population can perform, or

significantly restricted as to the condition, manner, or duration under which an individual can perform a major life activity as compared to an "average" person in society.

2. Persons are not substantially limited just because they cannot perform a specific job for one employer.

3. Persons are not substantially limited because they are unable to perform a specialized job or participate in a profession that requires extraordinary skill or talent.

Americans with Disabilities Act
Title I Fact Sheet

What About Essential Functions & Reasonable Accommodations?

Essential Functions mean primary job duties that are fundamental to the employment position.

1. A function is essential if:

    a. the position exists to perform the function;

    b. there are a limited number of employees available to perform the function; or if.

    c. the function is highly specialized or technical.

2. Factors used to determine/document essential functions:

    a. the employer's judgment as to what functions are essential;

    b. written job descriptions which identify essential functions (prior to advertising and interviewing);

    c. the amount of time spent on performing the function (those functions where the majority of time is spent would be the essential functions);

    d. the consequences of not requiring the individual to perform the function;

    e. experience of persons who have performed the job in the past and experience of persons currently performing similar jobs; and/or

    f. terms of a collective bargaining agreement.

Americans with Disabilities Act
Title I Fact Sheet

Reasonable Accommodation means some modification or adaptation in a job's duties or structure, or in the workplace which allow a qualified person with a disability to do the job.

1. Accommodations are determined on a case-by-case basis and individualized to the person with the disability and the essential functions of the job.

2. Reasonable accommodations includes:

   a. Modifications, adaptations or adjustments to the job application process that enable a person with a disability to be considered for a position.

   b. Modifications, adaptations or adjustments to the work environment or the manner in which the job is typically performed which enable a person with a disability to perform the essential functions of the job.

   c. Modifications, adaptations or adjustments which allow equal enjoyment of the benefits and privileges of employment as are enjoyed by other employed persons of similar circumstances.

3. Examples of reasonable accommodation:

   - making facilities accessible
   - job restructuring
   - reassignment to a vacant position
   - part-time or modified work hours
   - acquisition or modification of equipment or devices
   - adjustments or modifications to testing, training materials and methods and polices
   - provision of readers or interpreters

Americans with Disabilities Act
Title I Fact Sheet

Must the Employer Make Modifications Regardless of the Expense or Effect on the Business?

1. Reasonable accommodations are required unless it would be an **undue hardship** for the employer.

2. **Undue hardship** means any accommodation that would require significant difficulty or expense. This would include things that would:

a. be unduly expensive;
b. extensive, substantial or disruptive; or
c. fundamentally change the nature of the job.

3. Undue hardship is determined case-by-case and is determined by comparing the nature and cost of the accommodation to the employer's resources, operation, and impact the accommodation would have on the business as a whole.

Does the ADA Allow Exams and Inquiries?

1. The ADA does not prohibit all preemployment and employment exams and inquires, but the following situations are addressed in the law:

a. An employer may not ask an applicant about the existence, nature, or severity of a disability. However an applicant can be asked about his/her ability to perform the specific duties of the position. The applicant may be asked to describe or demonstrate how (with or without) reasonable accommodation, s/he will perform the job.

b. An employer may not make medical inquiries or conduct medical exams until after a job offer has been made. An offer may be conditioned on the results of a medical exam or inquiry only if this is required for all entering employees in similar jobs.

c. An employer may establish reasonable medical standards for safety or security reasons as long as they are applied to all employees who are in similar jobs.

Americans with Disabilities Act
Title I Fact Sheet

Pre-employment inquires and exams continued:

d. If an employer plans to administer tests to all employees, s/he may ask the applicants who need reasonable accommodations in testing situations to inform the employer and document their need prior to the administration of the test.

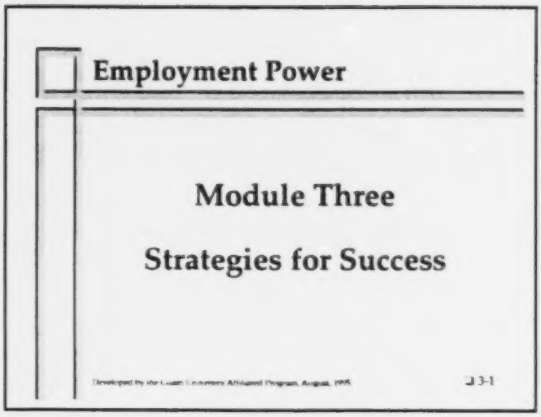
g. Employers may require job-related inquiries and exams that are consistent with business necessity to determine employee fitness for duty or ability to perform job-related duties.

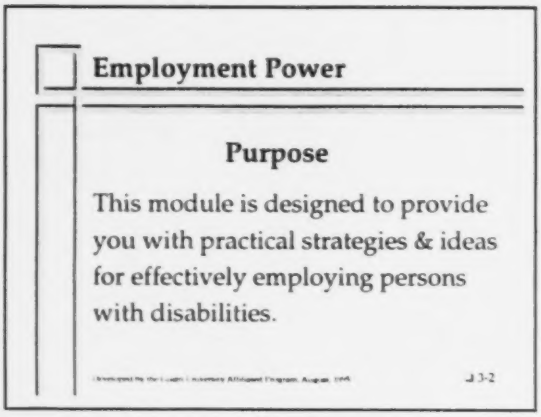
Confidentiality of Information

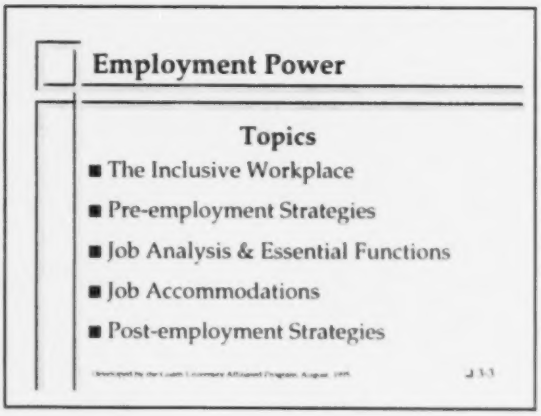
1. Any information obtained by an employer during exams and inquiries must be kept confidential.

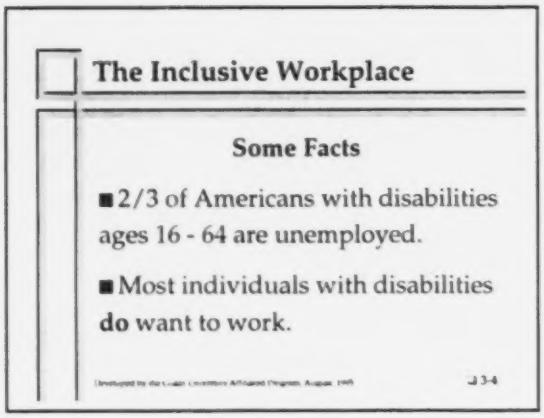
2. Information may be shared only on a limited basis with supervisors, managers, first aid and safety personnel.

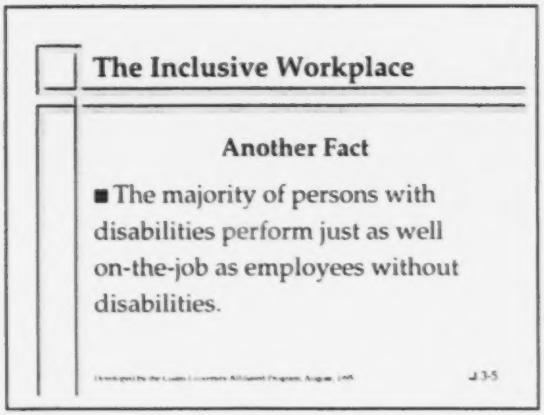
3. Information may also be shared with government officials investigating compliance with Title I.

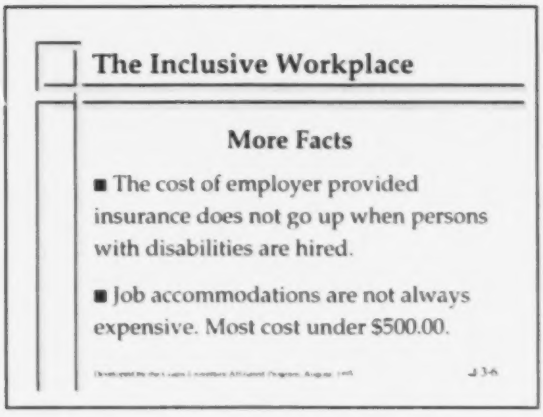

Employment Power
Module Three
Strategies for Success
3-1

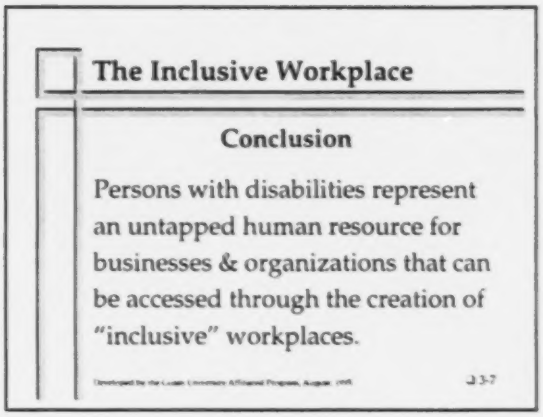

Employment Power
Purpose
This module is designed to provide you with practical strategies & ideas for effectively employing persons with disabilities.
3-2

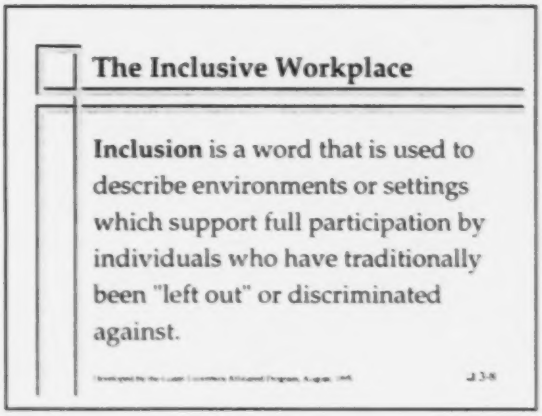

Employment Power
Topics
The Inclusive Workplace
Pre-employment Strategies
Job Analysis & Essential Functions
Job Accommodations
Post-employment Strategies
3-3

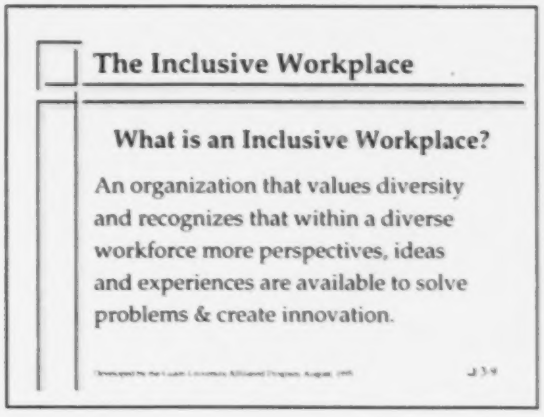

The Inclusive Workplace
Some Facts
■ 2/3 of Americans with disabilities ages 16 - 64 are unemployed.
■ Most individuals with disabilities do want to work.
3-4


The Inclusive Workplace
Another Fact
■ The majority of persons with disabilities perform just as well on-the-job as employees without disabilities.
3-5


The Inclusive Workplace
More Facts
■ The cost of employer provided insurance does not go up when persons with disabilities are hired.
■ Job accommodations are not always expensive. Most cost under $500.00.
3-6


The Inclusive Workplace
Conclusion
Persons with disabilities represent an untapped human resource for businesses & organizations that can be accessed through the creation of "inclusive" workplaces.


The Inclusive Workplace
Inclusion is a word that is used to describe environments or settings which support full participation by individuals who have traditionally been "left out" or discriminated against.


The Inclusive Workplace
What is an Inclusive Workplace?
An organization that values diversity and recognizes that within a diverse workforce more perspectives, ideas and experiences are available to solve problems & create innovation.

The Inclusive Workplace

- An inclusive workplace means equal opportunity to access the full range of opportunities & experiences available to others within the business or organization.
- Equality in wages, benefits, career paths access to facilities & training opportunities.

Creating an Inclusive Workplace

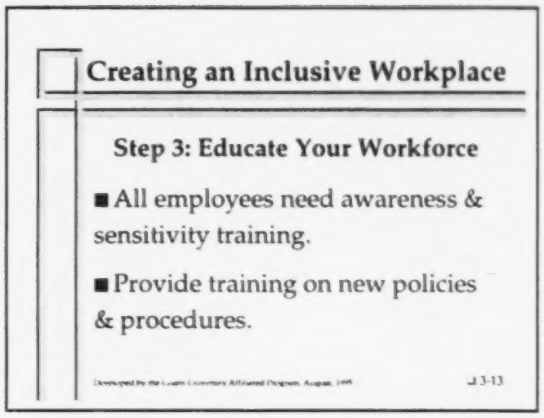
Step 1: Commitment

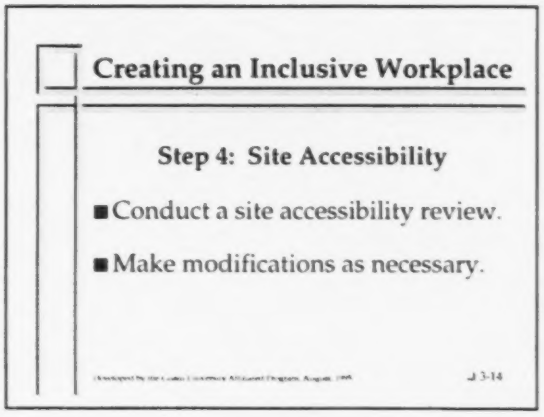
- Clarify your intention & commitment.
- Develop a written position statement.
- Orient your workforce.
- Create a "Vision"

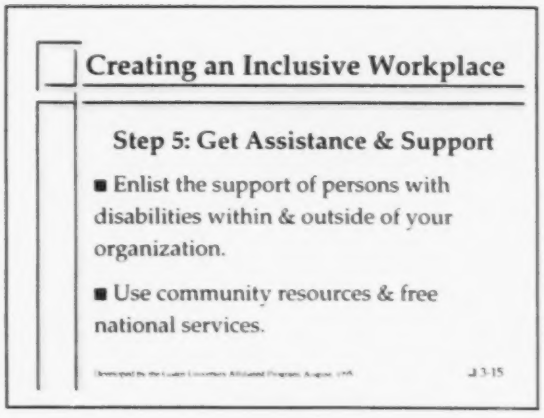
Creating an Inclusive Workplace

Step 2: Polices & Procedures

- Create policies & procedures that support inclusion and provide guidance.
- Address recruitment, interviewing, pre-employment tests, accommodation, supervision, and confidentiality issues.


Creating an Inclusive Workplace
Step 3: Educate Your Workforce
■ All employees need awareness & sensitivity training.
■ Provide training on new policies & procedures.
3-13


Creating an Inclusive Workplace
Step 4: Site Accessibility
■ Conduct a site accessibility review.
■ Make modifications as necessary.
3-14


Creating an Inclusive Workplace
Step 5: Get Assistance & Support
■ Enlist the support of persons with disabilities within & outside of your organization.
■ Use community resources & free national services.
3-15

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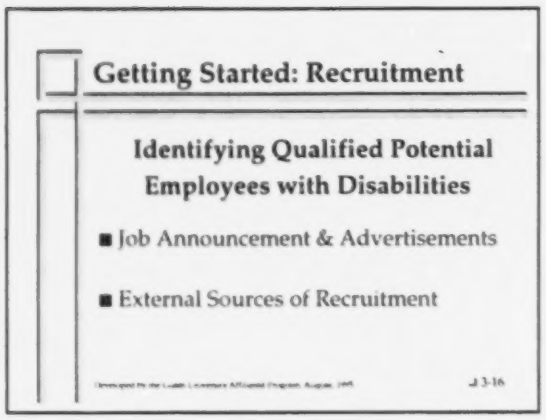
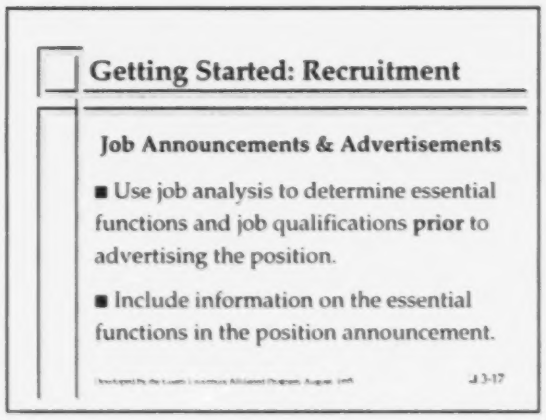
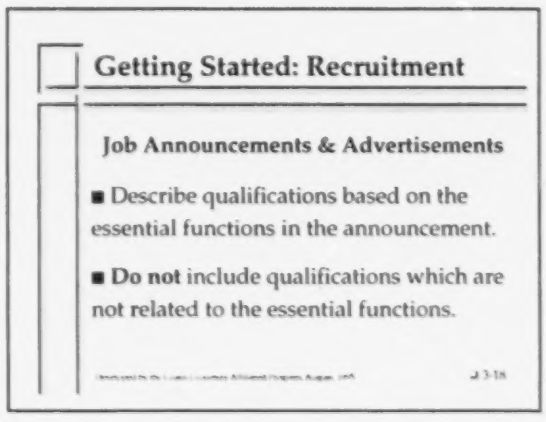

Getting Started: Recruitment
Identifying Qualified Potential Employees with Disabilities
■ Job Announcement & Advertisements
■ External Sources of Recruitment
J-3-16


Getting Started: Recruitment
Job Announcements & Advertisements
■ Use job analysis to determine essential functions and job qualifications prior to advertising the position.
■ Include information on the essential functions in the position announcement.
J-3-17


Getting Started: Recruitment
Job Announcements & Advertisements
■ Describe qualifications based on the essential functions in the announcement.
■ Do not include qualifications which are not related to the essential functions.
J-3-18

Getting Started: Recruitment

Job Announcements & Advertisements

- Include a statement such as "qualified persons with disabilities are encouraged to apply".
- Include a statement that information is available in alternate formats.

Getting Started: Recruitment

External Source of Recruitment

On Guam there are several agencies & programs that support and maintain contact with persons with disabilities & these can be tapped as potential external recruiting sources.

Knowing What the Job Is

Job Analysis & Essential Functions

- Job analysis provides an objective basis for making personnel decisions.
- The process of breaking a job into essential functions & determining the qualifications needed to perform these functions.

Knowing What the Job Is

Job Analysis & Essential Functions

- Job analysis can be used to determine pay, in interviewing & in evaluating job performance.
- It also helps in identifying potential accommodations.

Job Analysis

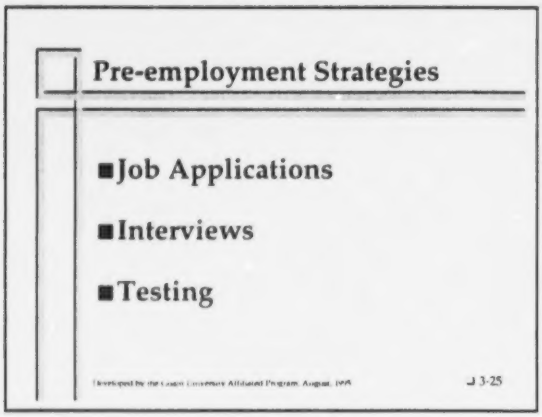
Key Components of a Job Analysis

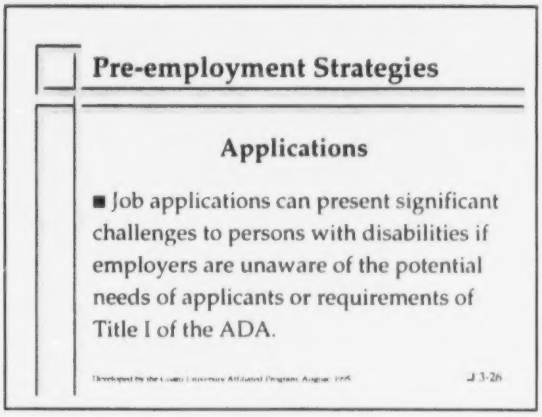
- Purpose of the Job
- Essential Functions of the Job
- Analysis of the Job Setting
- Employee Qualifications

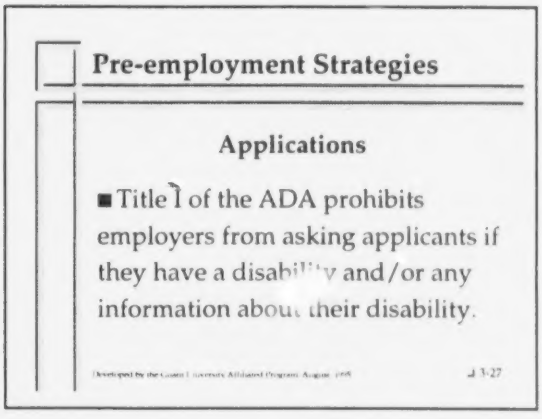
Job Analysis

Conducting a Job Analysis

Job Analysis Questions
&
Forms


Pre-employment Strategies
■Job Applications
■Interviews
■Testing
3-25


Pre-employment Strategies
Applications
■ Job applications can present significant challenges to persons with disabilities if employers are unaware of the potential needs of applicants or requirements of Title I of the ADA.
3-26


Pre-employment Strategies
Applications
■ Title I of the ADA prohibits employers from asking applicants if they have a disability and/or any information about their disability.
3-27

Pre-employment Strategies

Applications

- But, it would be effective to inform **all** applicants that your organization is willing to provide accommodation to individuals upon request.

Developed by the Guam University Affiliated Program, August, 1995 3-28

The Application Process

Accommodations

- Provide assistance in competing the application.
- Let the person to take the application home to complete it.

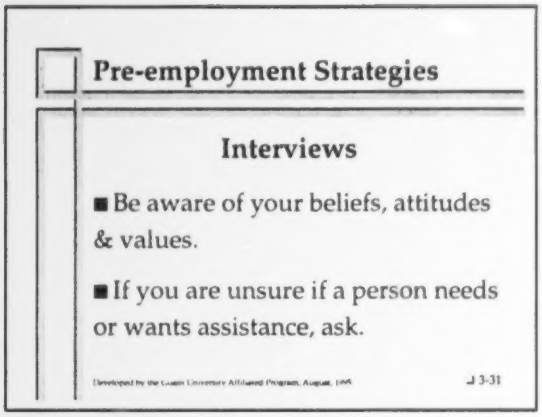
Developed by the Guam University Affiliated Program, August, 1995 3-29

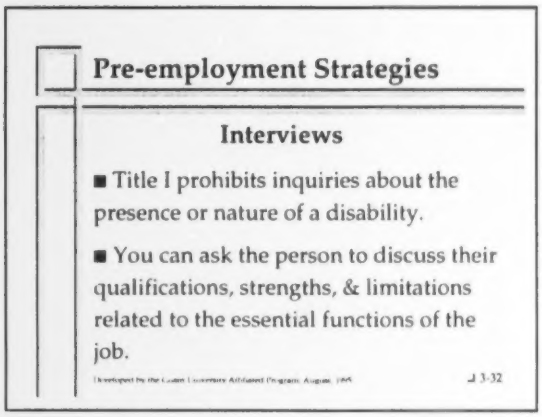
Pre-employment Strategies

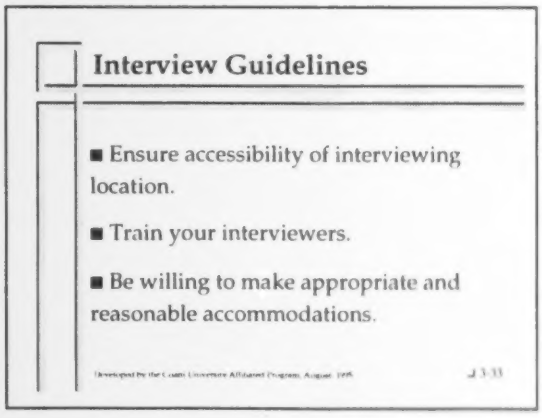
Interviews

Mindset:
You are interviewing **a person** with skills and abilities, **not a disability.**

Developed by the Guam University Affiliated Program, August, 1995 3-30


Pre-employment Strategies
Interviews
■ Be aware of your beliefs, attitudes & values.
■ If you are unsure if a person needs or wants assistance, ask.
Developed by the Guam University Affiliated Program, August, 1995
3-31


Pre-employment Strategies
Interviews
■ Title I prohibits inquiries about the presence or nature of a disability.
■ You can ask the person to discuss their qualifications, strengths, & limitations related to the essential functions of the job.
Developed by the Guam University Affiliated Program, August, 1995
3-32


Interview Guidelines
■ Ensure accessibility of interviewing location.
■ Train your interviewers.
■ Be willing to make appropriate and reasonable accommodations.
Developed by the Guam University Affiliated Program, August, 1995
3-33

Interview Guidelines

- Use in-depth knowledge of the essential functions & the "why, how, where, & by whom" of the job to plan and ask interview questions that are job related rather than disability related.

Developed by the Lucas University Affiliated Program, August, 1995 3-34

Interview Guidelines

- Relax & make the applicant feel at ease.
- Don't be afraid of making mistakes.
- Don't speculate. Ask an applicant with an obvious disability to describe how he or she would perform a certain job.

Developed by the Lucas University Affiliated Program, August, 1995 3-35

Interview Guidelines

- Concentrate on technical/professional knowledge, skills, abilities, experiences, and interests, not on the disability.
- You cannot interview a disability, hire a disability, or supervise a disability. You can interview a person, hire a person, supervise a person.

Developed by the Lucas University Affiliated Program, August, 1995 3-36

Interview Guidelines

- If the applicant is not qualified for the position, explain the skills & experience needed for the job which he or she is lacking and end the interview.
- Do not refer to the disability at all. Decisions should focus on qualifications not disability.

Interview Guidelines

- If the applicant is qualified, and has a known disability, discuss how he or she plans to perform specific job duties & what he or she will need to get the job done.
- Questions should be job-related & open ended.

Pre-employment Strategies: Testing

Guidelines for Testing

- Provide accessible testing locations.
- Inform applicants in advance.
- Test the ability to do the job, not the effect of the disability.

Guidelines for Testing

- Test applicants with visual, hearing, speaking or manual impairments in ways that do not require use of the impaired skill, unless the test is specifically designed to measure that skill.

Guidelines for Testing

- When appropriate supplement or replace testing with applicant's work experience, training and education.
- Provide accommodation.
- Examples

Strategies for Accommodations

What are Job Accommodations?

Nontraditional "tools" used by qualified employees with disabilities to get their jobs done right.

Strategies for Success

Strategies for Accommodations

3 Kinds of Job Accommodations

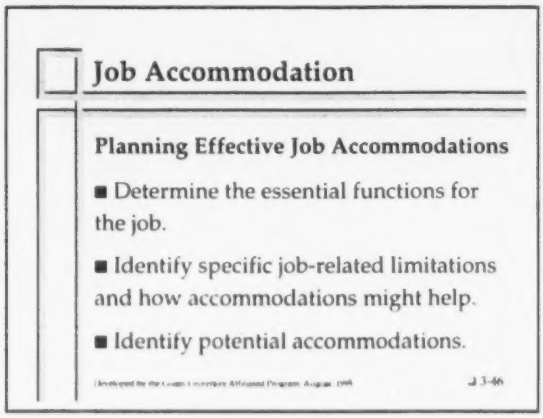
- Environmental Accommodations
- Equipment Accommodations
- Procedural Accommodations

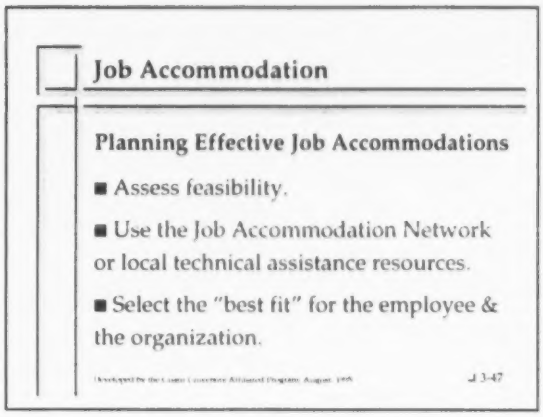
Job Accommodation Guidelines

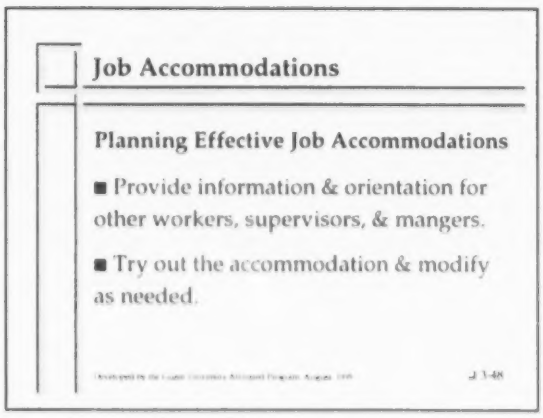
- Plan accommodations in partnership with the employee.
- Focus on the what the person can do, rather than on the disability.
- Individualize accommodations.

Job Accommodation Guidelines

- Consider employee preferences.
- Keep it simple!
- Use common sense.
- Take a holistic approach. See the big picture.


Job Accommodation
Planning Effective Job Accommodations
■ Determine the essential functions for the job.
■ Identify specific job-related limitations and how accommodations might help.
■ Identify potential accommodations.
3-46


Job Accommodation
Planning Effective Job Accommodations
■ Assess feasibility.
■ Use the Job Accommodation Network or local technical assistance resources.
■ Select the "best fit" for the employee & the organization.
3-47


Job Accommodations
Planning Effective Job Accommodations
■ Provide information & orientation for other workers, supervisors, & mangers.
■ Try out the accommodation & modify as needed.
3-48

Strategies for Success

Post-Employment Strategies

Supervision Guidelines

- Prepare supervisors for working with persons with disabilities.
- Supervisors need disability awareness training & information about the work potential of persons with disabilities.

Developed by the Center for Disability Affiliated Program, August, 1995 3-49

Post-employment Strategies

Supervision Guidelines

- Supervisors need clear roles and expectations.
- Involve supervisors in all phases of the employment process: recruitment, interviewing and job accommodation

Developed by the Center for Disability Affiliated Program, August, 1995 3-50

Post-employment Strategies

Natural Supports

- All organizations provide internal or **natural supports** to employees.
- While external supports are sometimes needed by employees with disabilities natural supports are preferred.

Developed by the Center for Disability Affiliated Program, August, 1995 3-51

Post-employement Strategies

Natural Supports

- Natural supports are more effective & less disruptive to the organization.
- Natural supports build and reinforce the concept of the inclusive workplace.

Developed by the Guam University Affiliated Program, August, 1995 J 3-52

Post-employment Strategies

Natural Supports

- Natural supports can be formal such as supervising new employees.
- Natural supports can also be indirect support such as assigning a co-worker to teach a new employee the "tricks of the trade."

Developed by the Guam University Affiliated Program, August, 1995 J 3-53

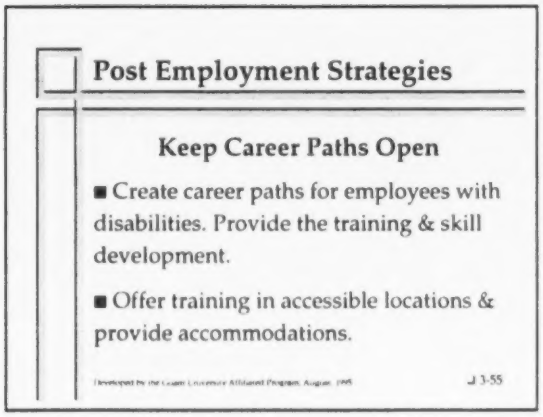
Post-employment Strategies

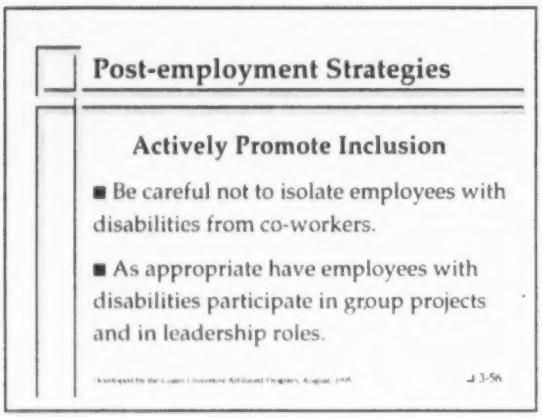
Natural Supports

- By fostering relationships among employees you increase the amount of natural support available.
- Employees provide natural support to eachother informally in many ways that benefit the employee & the organization.

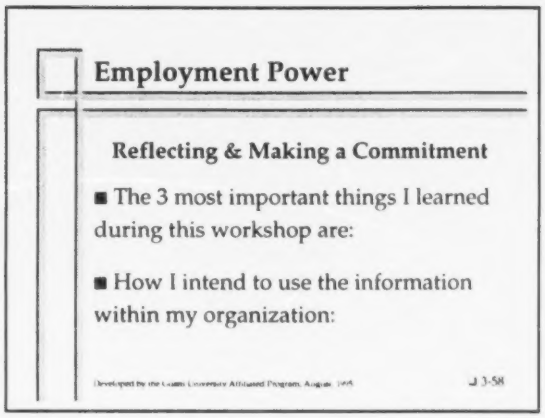
Developed by the Guam University Affiliated Program, August, 1995 J 3-54

Strategies for Success


Post Employment Strategies
Keep Career Paths Open
■ Create career paths for employees with disabilities. Provide the training & skill development.
■ Offer training in accessible locations & provide accommodations.
3-55


Post-employment Strategies
Actively Promote Inclusion
■ Be careful not to isolate employees with disabilities from co-workers.
■ As appropriate have employees with disabilities participate in group projects and in leadership roles.
3-56

Post-employment Strategies
Actively Promote Inclusion
■ Include employees with disabilities in informal employee gatherings & events.
■ Conduct company parties & events in accessible locations.
3-57


Employment Power
Reflecting & Making a Commitment
■ The 3 most important things I learned during this workshop are:
■ How I intend to use the information within my organization:
3-58

How to Conduct a Job Analysis

Job analysis also helps document that a "match" either exists or does not exist between the qualifications of the applicant and the essential functions of a job. It creates a system of objective evaluation in hiring decisions and can be helpful in documenting adherence to ADA requirements.

By answering the following questions for each job in your business or organization you will have the information you need as an employer to:

1. identify essential functions;
2. write current and accurate position descriptions;
3. develop objective job-related interview and evaluation questions;
4. perform objective employee performance reviews;
5. determine accommodations that can assist a person with a disability perform the job; and
6. conduct personnel functions in a non-discriminatory manner.

PURPOSE OF THE JOB

1. What is the particular contribution of the job toward the accomplishment of the overall objective of the work unit or organization?

ESSENTIAL FUNCTIONS OF THE JOB

1. What are the tasks or activities that actually constitute the job?

2. Is each of these really necessary?

3. What is the relationship between each task?

4. Is there a special sequence which the tasks must follow?

5. Do the tasks necessitate sitting, standing, crawling, walking, climbing, running, stooping, kneeling, lifting, carrying, digging, writing, operating, pushing, pulling, fingering, talking, listening, interpreting, analyzing, seeing, coordinating, etc.?

6. How many other employees are available to perform the task/s?

7. Can the performance of the tasks or parts of tasks be distributed among other employees?

8. Would removing or reassigning a task fundamentally alter the nature of the job?

9. How much time is spent on performing each task/activity that constitute the job?

10. Are the tasks that are performed less frequently as important as those done more frequently?

11. What is the pace of the job? Is there a consistent pace across the component tasks of the job?

12. What happens if the task is not completed on time?

JOB SETTING

LOCATION

1. Where are the essential functions of the job carried out?

2. Could they be done elsewhere?

ORGANIZATION

1. How is the work organized for maximum safety and efficiency?

2. How do workers obtain necessary equipment and materials?

MOVEMENT

1. What movement is required of employees to accomplish the essential functions of the job?

CONDITIONS

1. What are the physical conditions of the job setting (hot, cold, damp, inside, outside, underground, wet, humid, air conditioned, dirty, greasy, noisy, sudden temperature changes etc.)

2. What are the social conditions of the job (works alone, works around others, works in public, works under close supervision, works independently, works under deadlines etc.).

WORKER QUALIFICATIONS

1. What are the physical requirements (lifting, driving, cleaning etc.)?

2. What are the general skills needed for the job (ability to read, write, listen, add, etc.)?

3. What specific knowledge and/or training is necessary? Can it be obtained on the job?

4. What previous experience, if any, can replace or be substituted for the specific training requirements?

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

Guidelines for Conducting A Job Interview

1. Make sure your organization's employment offices and your interviewing location are accessible to applicants with mobility impairments, visual, hearing, or cognitive disabilities.

2. Train your interviewers. Provide them with disability awareness training and information and be sure they understand ADA Title I requirements and what questions are prohibited. Emphasize that they are interviewing a person first with skills and abilities; they are not interviewing a disability. Assist them in acknowledging and examining their own preconceptions about persons with disabilities and how these beliefs may influence the interviewing process.

3. Be willing to make appropriate and reasonable accommodations to enable a job applicant with a disability to present himself/herself in the best possible light. For example, offer assistance to applicants who are blind or have limited use of their hands in completing their job application forms; provide an interpreter for an applicant who is deaf; offer detailed or specific instructions to persons with cognitive disabilities.

4. Don't let a rehabilitation counselor, social worker or other third party take an active part in or sit in on an interview unless the applicant requests it. If a counselor does sit in be sure to interview the applicant and not the counselor.

5. Make sure you have in-depth knowledge of the essential functions, regarding the position for which the applicant is applying, as well as the details of why, how, where, and by whom each task or operation is performed. This will enable you to structure the interview better and ensure that all questions are job related.

6. Relax and make the applicant feel relaxed. Don't be afraid of making mistakes. At the same time, remember that candidates (particularly those applying for professional positions) must be expected to assume an equal share of the responsibility for making your interaction with them comfortable.

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

7. Don't speculate or try to imagine how you would perform a specific job if you had the applicant's disability. The person with a disability has mastered alternate techniques and skills of living and working with his/her particular disability. You should ask an applicant to describe how he or she would perform a certain job function if it is an essential function of the position.

8. Concentrate on the applicant's technical or professional knowledge, skills, abilities, experiences, and interests, not on the disability. **Remember, you can't interview a disability, hire a disability, or supervise a disability. You can interview a person, hire a person, supervise a person.**

9. If the applicant is not technically or professionally qualified for the position in question, end the interview. Explain to the person why he or she is not qualified; explain the skills and experience others who perform the job possess, which he or she lacks. This is important so that the person knows that his/her failure to get the job was based on lack of qualification rather than on his/her disability. If the applicant is not qualified you do not need to refer to the disability at all.

10. If the applicant is technically or professionally qualified, and has a known disability, feel free to discuss in an open, honest, and straightforward manner how he or she plans to perform specific on-the-job duties and what he or she will need to get the job done. Remember, all questions should be **job-related** and asked in an open ended format.

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

Guidelines for Testing

1. Be sure your testing or evaluation site is accessible for persons with disabilities.

2. Employers should inform applicants in advance if a test or evaluation is going to be given, so that the applicant can request an accommodation in advance.

3. Remember why you are conducting the test and be sure the test is measuring the applicant's ability to do the job, rather than the effect of the disability. Be sure to test applicants with visual, hearing, speaking or manual impairments in ways that do not require use of the impaired skill, unless the test is specifically designed to measure that skill.

4. Some disabilities will prevent some applicants from passing certain tests even though the person may have the ability to perform the job. For example a person recovering from mental illness may be highly qualified for a position but is not able perform well under the pressure of a testing situation. It may be better to supplement or replace testing with applicant's work experience, training and education.

5. If an applicant has a visual impairment or a learning disability, reading a test to him or her is one way to measure abilities for positions where reading is not an essential function of the job.

6. To test a person with a visual impairment on typing skills, record the test on a dictating machine and score it just as you would a written test.

7. If a person has a hearing impairment and test directiõns are given verbally, be sure the person has understood them and/or provide them in written format.

8. If a person has a learning disability be sure he or she understands the instructions. They may need to be modified, broken into smaller steps, or presented orally.

9. Some persons with disabilities (e.g. persons who use readers or who have reading or writing disabilities) may require more time on certain tests.

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

Making Job Accommodations

GUIDELINES

Accommodations are developed in partnership between the person with the disability and the employer. Other appropriate individuals may be asked to join the effort (e.g. union representatives or rehabilitation counselors). Teamwork results in cost-effective solutions.

Focus on the what the person can do, rather than on the disability. Don't assume that because an individual has a particular disability, that a particular accommodation will be needed or effective.

Individualize. Accommodations are determined case-by-case. Each person experiences his or her disability in a unique way. The employee is often the best source of ideas for accommodations! Consider employee preferences.

Keep it simple! The majority of accommodations made in the workplace require no or minimal cost. Be creative and use common sense.

See the big picture. Be holistic. Don't just focus on the functional aspects of the accommodation. Think about how the accommodation will effect the overall environment, other employees, the way the person with the disability is perceived by other employees, etc.

STEPS IN DETERMINING JOB ACCOMMODATION

1. Determine the essential functions for the job. If you conducted a job analysis for the position this is already done!

2. Have an open, honest discussion with the person with the disability to identify specific job-related limitations and how accommodations might help overcome these limitations.

3. Identify specific potential accommodations. Assess the feasibility of each idea. Consider these factors: effectiveness, cost, impact of the accommodation on other employees, the environment and organization.

4. If you are unable to find a solution, get outside help. Contact local resources or the Job Accommodation Network (JAN). JAN provides free international accommodation consulting service for employers. They maintain a large data base of solutions to accommodations problems and will work with employers to identify other cost effective strategies.

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

Finding Solutions

Problem #1. An employee in your organization who is responsible for daily data entry has developed an eye disorder and was told by her doctor to avoid eye fatigue.

Solutions

Problem #2. As a result of diabetes, a productive employee in your retail business is experiencing fatigue and needs time during the day to administer medication. Because of the fatigue she is having difficulty being on the sales floor for extended periods of time.

Solutions

Problem #3. An insurance salesperson with cerebral palsy has difficulty taking notes while on the telephone because he need both hands to write effectively.

Solutions

Problem #4. A person with a learning disability works as a police officer but spends an excessive amount of time filing out forms that later get typed into report form by a secretary, because his disability makes it difficult for him to read and write when there is alot of information on a page.

Solutions

Problem #5. You hire a person who uses a wheelchair as a bank loan officer, but she cannot use the desk currently in the office because it is too low for her wheelchair to fit under it.

Solutions

Sample Job Accommodation Ideas

Problem: An airline programmer/analyst with post-polio fatigue brought on by stress cannot be on-call 24 hours a day and work overtime as needed.

Solution: Waiver of the company requirement of 24 hour on-call status and overtime. The employee works the hours prescribed for "older adult" worker program participants of the airline. Cost $0.

Problem: A worker with traumatic brain injury is employed at a bank, processing checks and other transactions. Items must be numbered and placed into a sorting machine tray in a specific manner. The problem lay in periodic confusion due to memory loss and weakness in one side of this body.

Solution: A job coach/trainer is requested and provided by the Department of Vocational Rehabilitation to assist in providing special on-the-job training on task sequencing and equipment is adjusted to accommodate his weakness. Cost: $0.

Problem: Because of a severe hearing loss, a nurse is unable to monitor multiple alarms on medical equipment in the intensive care unit.

Solution: To continue to utilize her experience and training, the hospital transfers her to an open position in the laboratory, where a vibrating pager and a portable TTY is used to direct her to various locations throughout the hospital.

Problem: An administrative assistant with amyotrophic lateral sclerosis (ALS) has difficulty with using the phone, typing, computer input, completing forms and reports and doing some filing.

Solution: A cordless headset for the telephone is purchased, arm rest extensions from the edge of the desk are installed to reduce strain on wrists and arms, and a new effortless lock and handle are installed on the restroom door. Cost $450.00

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

Sample Job Accommodation Ideas

Problem: A receptionist who is blind works at a law firm. She cannot see the lights on the phone console which indicate which telephone lines are ringing, on hold, or in use by staff.

Solution: The employer purchases a light-probe, a penlike product which detects a lighted button. Cost $45.00.

Problem: A clerk-typist with severe depression experiences problems with the quality and quantity of her work.

Solution: The employee is provided with extended sick leave to cover a short period of hospitalization and a modified work schedule to allow her to attend weekly psychotherapy treatment. Treatment is covered under her health plan.

Problem: A "quick service" restaurant grill operator has a severe learning disability. He cannot read, but can recognize specific single letters on orders.

Solutions: Condiment bins are coded with the first letter of the item so the worker can match the orders to the bins. In addition, he was taught three key words ("only", "none", and "plain") through flash cards and repetition. Cost: $25.00.

Problem: A technician in a telephone service industry uses a hearing aid. The job duties require installing and repairing telephone lines, which include using a "butt-in" portable test phone that is attached to telephone lines being repaired. The test set interferes with the employee's hearing aid.

Solution: A "butt-in" test set equipped with an audio speaker was purchased which allowed the worker to test lines without having to place the test device near his ear. This device is also useful for workers not using hearing aids. In addition the employee is provided with an amplified tone locator. Cost $200.00.

Sample Job Accommodation Ideas

Problem: An employee with an attention deficit disorder works in the laundry of a hotel and is having difficulty staying on task.

Solution: The employee is provided with a walkman recorder with headphones and cassettes which contain music and frequent reminders to attend to work. This reduced distractions and helped him focus on the job. Cost $150.00.

Problem: A person applied for a job as a cook in a restaurant and was able to perform all job tasks except opening cans, due to the loss of a hand.

Solution: The employer contacted the President's Committee's Job Accommodation Network and was given a list of one-handed can openers and bought one. Cost: $35.00.

Problem: A company hired a clerk who could not access the vertical filing cabinets from her wheelchair.

Solution: The company relocated the files into a lateral file. Cost $450.00.

Problem: A medical technician who was deaf could not hear the buzz of a timer which was necessary to timing laboratory tests.

Solution: An indicator light was purchased. Cost $26.95.

A Note About Cost. Numerous surveys of accommodations and their cost show that in the majority of cases job accommodations cost less than $500.00 and many cost nothing. The President's Committee's Job Accommodation Network reports that:

- Thirty-one percent of accommodations $0.00.
- Fifty percent cost less than $50.00.
- Sixty-nine percent cost less than $500.00.
- Eighty-eight percent cost less than $1,000.

Adapted from a fact sheet developed by the President's Commission on Employment of People with Disabilities by the Guam University Affiliated Program, August, 1995

National Resources & Technical Assistance

Americans with Disabilities Act Title I Hotlines

National ADA Technical Assistance Hotline	(800)949-4ADA voice & TTY
The Department of Justice	(202)514-0301 voice (202)514-0383 TTY
The Equal Employment Opportunity Commission	(800)669-4000 voice (800)800-302 TTY

Americans with Disabilities Act Title I Regulations

Equal Employment Opportunity Commission 1801 L Street, N.W., Room 9024 Washington, DC 20507	(800)669-3362 voice (800)800-3302 TTY

Publications & Fact Sheets

President's Committee on Employment of People with Disabilities 1331 "F" Street NW Washington, DC 20004-1107	(202)376-6200 voice (202)376-6205 TTY (202)376-6219 fax
Clearinghouse on Disability Information Switzer Building, Room 3132 330 "C" Street SW Washington, DC 20202-2524	(202)205-8241 voice
National Rehabilitation Information Center 8455 Colesville Road #935 Silver Spring, MD 20910-3319	(301)588-9284 voice & TYY
President's Committee on Mental Retardation 330 Independence Avenue, SW, Room 5325 Washington, DC 20201-0001	(202)619-0634 voice

National Resources & Technical Assistance

Job Accommodation & Technical Assistance

Job Accommodation Network (JAN) (800)526-7234 voice & TYY
918 Chestnut Ridge Rd. Suite 1
West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
JAN Computer Bulletin Board (800)342-5526 voice & TYY

Disability and Business Technical Assistence Center (510)465-7884 voice
440 Grand Avenue, Suite 500 (510)465-3172 TYY
Oakland, CA 94619 (510)465-7885 fax

Local Resources & Technical Assistance

Agency for Human Resource Development (AHRD)

Administers the federally funded program: Job Training Partnership Act (JTPA) Employment training & placement.

304 E Sunset Blvd.
Tiyan, Guam
475-0750 - 60
477-8198 voice
477-5022 fax

Department of Administration

Coordinates implementation of the 700 Hour Employment Program for Government of Guam agencies (excluding the autonomous & semi-autonomous agencies & departments).

P.O. Box 884
Agana, Guam 96910
475-1141/1128/1270 voice
477-5016 text
477-7100 fax

Department of Vocational Rehabilitation (DVR)

Administers federally funded programs: Vocational Rehabilititaion Services Program, Supported Employment Services Program, & Independent Living Program, as well as locally funded Independent Living Program. Employment evaluation, training, & placement.

Building 1313
Central Avenue
Tiyan, Guam 96913
475-4645 - 7 voice
477-2892 fax

Local Resources & Technical Assistance

Goodwill Industries of Guam
Provides supported employment services.
Employment evaluation, training, & placement.

130 Rehabilitation Center Street
Tamuning, Guam 96931
646-4885 voice
649-1664 fax

Governors Commission on Persons with Disabilities
Clearinghouse and advocate for persons with disabilities on Guam.
General information, ADA training, information, & technical assistance.

Office of the Governor
P.O. Box 2950
Agana, Guam 96910
475-9353 - 4 voice
472-1106 text
475-9127fax

Guam Developmental Disabilities Council
Advocates for systems change, public change, and best practices that promote full inclusio and integration of people with developmental disabilities.
General information source.

104 F Street
Tiyan, Guam 96913
475-9127 voice

Guam Protection and Advocacy Office

Provides advocacy services to persons with disabilities and their families.

P.O. Box 8830
Tamuning, Guam 96911
472-8985/6/7 voice
472-8988 text
472-8989 fax

Guam University Affiliated Facility (UAP)

Provides program development, training & techncial assistance, and information dissemination & research to increase and improve services for persons with disabilities.
General information source, training & technical assistance and research and dissemination.

College of Education
University of Guam
House #11 Dean's Circle
UOG Station
Mangilao, Guam 96923

735-2480-9 voice
734-6531 text
734-5790 fax

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